

CHOCOLAY TOWNSHIP PLANNING COMMISSION

January 8, 2001

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, Don Britton, Dennis Magadanz

REGULAR MEETING CALLED TO ORDER:

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

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated December 11, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Tabor, that the December 11, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

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

PUBLIC COMMENT:

Don Britton gave the Planning Commission an update from the AdHoc Trails Committee regarding the availability of a removable bridge from the National Guard for the Chocoday River located by the DNR fishing site off of M-28.

The Planning Commission discussed the required background research (permit, site preparation costs, etc.) that would need to be completed.

Kinnunen moved, Sanders second, that the Planning Commission write a letter to the Township Board recommending them to evaluate the bridge acquisition from the Army Reserve for use at the Chocoday River on M-28 due to winter safety concerns.

OLD BUSINESS:

DISCUSS SHORELINE-DUNE PROTECTION

Planning Director Riley explained that at the last meeting the Planning Commission requested that he expand on the approach that we could take with a Lake Superior Shoreline/Dune Protection Overlay District and develop draft Ordinance language for review.

The suggested draft language was reviewed for the Planning Commission's comments. One of the key components was not to be overly restrictive with the extent of the district but to simply make sure that the key first barrier dune area along the shoreline is encompassed.

Planning Commission discussion centered on the vision strip, getting rid of any of the references to "clearing", and not utilizing a specified width for the vision/access strip but simply referencing that trimming or pruning is allowed but not the wholesale removal of vegetation.

Discussion also centered on establishing what may constitute "major" versus "minor" earth changes; (such as utilizing a percentage of the lot width). A key element that was identified was the need to further review the process of plan development and the permit process in order to keep it as user friendly and efficient as possible for property owners. Perhaps Township staff would complete the whole permit/plan process. Planning Director Riley indicated that he would review the language further based upon the comments of the Planning Commission and research the issue of the actual implementation process (e.g. plan development/permits/enforcement).

NEW BUSINESS:

DISCUSS-PROPOSED ZONING ORDINANCE TEXT AMANEDMENT-COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

The Planning Commission reviewed and discussed the problem as referenced in staff's memorandum .

SIGNS (Commercial Real Estate and Subdivision/Development Signs)

Problem: Currently the Zoning Ordinance does not permit commercial real estate or subdivision/development signs any larger than 6 square feet (see Ordinance language).

This size limitation works well for residential "for sale" signs but is problematic for commercial properties as the industry standard for these type of signs are 4' x 8' or 32 square feet. (For example, see current for sale sign on LaRue's building).

Proposed

Solution: Amend Sec. 805 of the Ordinance to exempt/allow commercial real estate and subdivision/development signs at 32 square feet but that they must be set back outside of the road right-of-way.

POLITICAL SIGNS

Problem: Each election there are numerous violations with political/election signs (primarily size and setback requirements) based upon our current Ordinance language. In addition, we also have questionable legal authority to regulate and enforcement is almost impossible.

Proposed

Solution: Amend Sec. 805 of the Ordinance to exempt all political signs under 32 square feet and that their placement does not constitute a hazard to motorists as determined by the Traffic Engineer (Police Department).

The Planning Commission discussed the need to keep the language regarding how early someone could place their sign prior to an election as well as how long it could remain after an election.

The Planning Commission gave the go ahead to Planning Director Riley to prepare a text amendment and schedule the public hearing for next month.

DISCUSS-LIGHTING CONTROLS

The Planning Commission had previously discussed strengthening our lighting controls and the potential need for a dark sky ordinance. Planning Director Riley requested the Planning Commission's general consensus on what is envisioned in order to proceed with a course of action/research.

The Planning Commission discussed this issue and indicated that they believed a comprehensive program of looking at all lighting elements (e.g. public and private) is how we should proceed. The actual evaluation may determine how comprehensive we can be.

DISCUSS-PLANNING COMMISSION PORTION OF TOWNSHIP WEBSITE

Planning Commission suggestions for updating the information for the township website:

- Agendas
- Monthly Minutes
- Township should do their own updating to keep the information current

The new County Community Information System (CIS) was also discussed and the information that this system will provide for each local unit of government such as agendas, minutes, etc..

DISCUSS-PLANNING COMMISSION PACKET/MATERIALS

The Planning Commission is pleased with the thorough amount of information being passed on to them.

PLANNING DIRECTOR'S REPORT

1. Joint meeting-City/Township
2. Northern Michigan Public Service Academy - Township Membership
3. Updated Zoning Map - GIS Generated

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Peterson - Re: Notification
- B. Correspondence - Riley - Re: VanNeste
- C. Correspondence - Fende - Re: Disbanding of Water Committee
- D. Correspondence - Carter - Re: Koivisto Correspondence
- E. Minutes - Township Board - December 18, 2000
- F. Minutes - AdHoc Trails Committee - December 5, 2000
- G. Information - MTA - Capitol Currents

The meeting was adjourned at 9:35 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

February 12, 2001

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, Dennis Magadanz, DPW Supervisor, Don Britton and Brad Neumann

PUBLIC HEARING - REZONING #115 - TEXT AMENDMENT - COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that as of today, only one person had contacted the office regarding this text amendment. Ms. Elizabeth Blichfelbt of 2851 M-28 East indicated that she was concerned with increasing sign sizes for signs along M-28 and that this is a step in the wrong direction. She stated that if this amendment only pertains to temporary signs such as real estate or political signs she is not as concerned, but it does seem that these signs are up forever.

No additional public comment. Chairperson Sanders closed the public hearing at 7:32 p.m.

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 January 8, 2001 were presented for approval.

Moved by Commissioner Sanders, supported by Commissioner LaPointe, that the January 8, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

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

PUBLIC COMMENT: None

OLD BUSINESS:

LAKE SUPERIOR SHORELINE-DUNE PROTECTION

Planning Director Riley briefly reviewed the changes that were made to the draft Overlay District following the last Planning Commission meeting.

The Planning Commission thought perhaps we should delete the "significant" vegetation reference in the Intent section. Otherwise the Planning Commission believed the language was acceptable for proceeding. Planning Director Riley indicated that he would like to review the approach we are taking with the DEQ and the Conservation District and report back to the Planning Commission in March. Following that report, a property owner meeting can be scheduled.

LIGHTING CONTROLS

The Planning Commission reviewed staff's memorandum and attached information regarding the different areas of lighting controls that we can address. The majority of the conversation centered on beginning with reviewing our street lights and recommending changing our street lighting policy to use more efficient cobra head style lights such as what Marquette Township was now doing.

Discussion also centered on replacing the existing street lights with the new cobra head style. Following discussion regarding BLP prices for replacements, the Planning Commission favored recommending a phased approach where perhaps the Township would replace 20 street lights per year. Denny Magadan, DPW Supervisor, advised the Commission regarding the number of existing street lights and the current policies on replacement of lights by the Board of Light and Power.

Kinnunen moved, LaPointe second to have the Chairman of the Planning Commission draft a letter to the Board for their February 19, 2001 meeting asking for their consideration of a phased street light replacement program over a period of five years.
Motion Carried

NEW BUSINESS:

PROPOSED ZONING ORDINANCE TEXT AMANEDMENT-COMMERCIAL REAL ESTATE SIGNS AND POLITICAL SIGNS

At the last meeting the Planning Commission reviewed two problems within the sign section of the Zoning Ordinance. These were: 1) We do not permit commercial real estate or subdivision/development signs any larger than 6 square feet, and 2) Each election there are numerous violations with political/election signs (primarily size and setback requirements).

Following last month's meeting, a public hearing was scheduled for this meeting for the Planning Commission to consider proposed text amendments to address these problems.

However, following the January Planning Commission meeting, at both of the joint meetings with the City of Marquette and the Township Board, (including the meeting in which Marquette Township was involved), the issue of consistency, (and the strengthening of), political sign regulations between the units of government was discussed. Therefore, Planning Director Riley suggested that we delay any action on this issue until staff can discuss this issue with these other entities.

The Planning Commission agreed to moved forward with just the text amendment regarding real estate/development signs.

Kinnunen moved, Emerson second that the Planning Commission recommend approval of Rezoning #115 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 805 - EXEMPTIONS FROM SIGN REGULATIONS - To amend the second section by adding the language in bold print:

- signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of the property, or traffic or parking thereon, or advertising the premises for sale or rent.
Signs advertising commercial real estate and subdivision/development signs of 32 square feet or less provided they are located outside of the right-of-way.

Motion Carried

PLANNING COMMISSION SUB-COMMITTEES - TRAILS COMMITTEE AND RECREATION COMMITTEE

The Township Board, at their meeting of January 19, 2001, requested that the Planning Commission "*evaluate making the Ad Hoc Trails Committee and Recreation Committee formal subcommittees of the Planning Commission*".

Planning Director Riley indicated that he envisioned that the membership on these committees could essentially remain the same, but importantly that one or two Planning Commission members also serve on the committees. In addition, perhaps the Planning Commission should discuss combining the two committees, (i.e. just have a Recreation

Committee). This makes sense since there is so much overlap anyway regarding "trails". Then, perhaps future Planning Commission agendas can have a segment for "Sub-Committee" reports/recommendations, (e.g. Ordinance Amendment Sub-Committee and Recreation Sub-Committee).

The Planning Commission discussed merging these two committees with Don Britton, Board Member and Chairman of the Trails Committee.

LaPointe moved, Tabor second, to merge the Recreation Committee and Trails Committee to form a Recreation Sub-Committee of the Planning Commission.

Motion Carried

Commissioner's LaPointe and Tabor agreed to be the two Planning Commission representatives to the Sub-Committee. Tom Shaw agreed to be the alternate.

PLANNING DIRECTOR'S REPORT

1. Mangum Road Contracts
2. Kawbawgam Ski Trail
3. Joint Meetings
4. State Police Tower
5. Army Reserve Bridge
6. Coordinated Planning Act
7. Family Dollar Lighting

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Commissioner Kinnunen advised the Commission that he is concerned with the Township getting involved with the City of Marquette's problems through these "joint meetings". He was troubled by the recent news coverage regarding the deer problem on Presque Isle where it showed our Board Members. He thought that the Board needed to be careful not to have this involvement affect our Township negatively.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memorandum - Riley - Re: New Director of Recreation and Grants Administration
- B. Correspondence - Planning Commission Chairman/Board - Re: Army Reserve Bridge
- C. Minutes - Township Board - January 22, 2001
- D. Minutes - Township Board/City of Marquette - Joint Meeting - January 10, 2001
- E. Minutes - Township Board/City of Marquette/Mqt.Twp/Mqt. Public Schools - Joint Meeting - January 30, 2001
- F. Information - Planning Commission Membership
- G. Information - Coordinated Planning Act
- H. Information - MTA - Legislative Updates

The meeting was adjourned at 9:07 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

April 9, 2001

PRESENT: Commissioners Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Scott Emerson arrived 7:42

ABSENT: Steve Kinnunen, Thomas Shaw

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Dennis Magadanz, Lee Snooks, Jon & Nancy Wennerberg, Dan Reed, Brad Neumann, Gene Elzinga

PUBLIC HEARING-CONDITIONAL USE # 62-STAR INDUSTRIES- INSTALLATION AND OPERATION OF A STEAM POWERED AUTOCLAVE TO TREAT MEDICAL WASTE

Chairperson Sanders opened the public hearing at 7:32 p.m. Planning Director Riley indicated that as of today there has been no correspondence or telephone calls received regarding this conditional use. No public comment. Chairperson Sanders closed the public hearing at 7:34 p.m.

REGULAR MEETING CALLED TO ORDER:

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

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated February 12, 2001 were presented for approval.

Moved by Commissioner LaPointe, supported by Commissioner Tabor, that the February 12, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner DeVooght, to adopt the agenda with the change of moving New Business Item A. before Old Business. **Motion carried.**

PUBLIC COMMENT: None

PRESENTATION-COORDINATED PLANNING ACT-DAN REED OF U.P. ENGINEERS AND ARCHITECTS AND BOARD MEMBER WITH THE MICHIGAN SOCIETY OF PLANNING

Dan Reed presented information on the proposed Coordinated Planning Act and answered questions.

NEW BUSINESS:

CONSIDER-CONDITIONAL USE # 62-STAR INDUSTRIES-INSTALLATION AND OPERATION OF STEAM POWERED AUTOCLAVE TO TREAT MEDICAL WASTE

Planning Director Riley indicated to the Planning Commission that Star Industries has requested Conditional Use Approval for the installation and operation of a steam powered autoclave to treat medical waste at their facility located at 115 Industrial Drive, (in the Varvil Center Industrial development behind Marquette Meats south of M-28). The key portion of the C-3 Conditional Use section that applies for this use is that industrial uses are permitted that *"do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything...are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot and trails."*

Applicant Wennerberg indicated that the Planning Commission granted Star Industries a conditional use permit to operate their current facility in 1986. That approval included the collection and storage of medical waste before it was shipped to Hamtramck, Michigan to

be incinerated. He would now like to install an autoclave to steam sterilize medical waste in order that it can be disposed of in the County landfill.

In researching this issue, this sort of treatment of medical waste is not uncommon and is regarded as a better alternative to incineration. Essentially, the waste is loaded into the autoclave and is steamed to approximately 300 degrees in order to sterilize the material.

The Planning Commission asked several questions of Mr. Wennerberg regarding the operation of the autoclave and the nature and handling of the medical waste. The Planning Commission also reviewed the comments of the Marquette County Health Department.

LaPointe moved Sanders second that after review of Conditional Use request #62; the standards of Section 701, and other applicable standards contained in the Township Zoning Ordinance; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #62 with the following conditions:

- 1) That the applicant provide the Fire Department with their requested MSDS documents, a floor plan/lay out of the area and provide a site visit for the Fire Department prior to operation.
- 2) That the applicant take all measures necessary to eliminate any excessive odor from escaping from the property due to this treatment operation.
- 3) That the applicant collect and dispose of any and all liquid leachate produced from the operation of the autoclave and the treatment of the medical waste in accordance with the requirements and recommendations of the Marquette County Health Department.
- 4) That the applicant comply with all applicable local, state and federal regulations for this use.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Motion Carried

OLD BUSINESS:

DISCUSS- LAKE SUPERIOR SHORELINE/DUNE PROTECTION – OVERLAY DISTRICT

Planning Director Riley explained that in reviewing the draft "Lake Superior Shoreline/Dune Protection Overlay District" with officials of the Marquette County Conservation District and the Michigan Department of Environmental Quality both agencies had very positive comments regarding the overlay district approach and the draft language. Both agencies also indicated their willingness to assist us with permit coordination/notification. In addition, both agencies indicated that they would be happy to attend our future property owner meeting in order to assist in any manner that may be appropriate.

The Planning Commission indicated that May 23rd would work for the special meeting for the property owners.

NORTH COUNTRY TRAILS

Gene Elzinga presented to the Planning Commission different types of barriers proposed for the overpasses for the North Country Trail and the estimated costs of the different types. The Planning Commission discussed modifications to these barriers to cut costs. The Planning Commission also discussed Township participation in these costs.

DISCUSS- CHOCOLAY RIVER WATERSHED PLAN

Planning Director Riley explained that the information contained within the plan shall prove useful as the Planning Commission reviews specific development projects that could impact the watershed or when opportunities are presented for corrective action for a particular problem area. In addition, there may be areas where our zoning ordinance can be strengthened in the future in furtherance of the plan's goals.

DISCUSS- 2000 CENSUS

The Planning Commission discussed the Census 2000 Information for Chocolay Township.

SUB-COMMITTEE REPORTS/ITEMS

- A. Recreation Sub-Committee-Lee Snooks gave update to the Planning Commission on the Committees
 - 1. Combine Trails and Recreation Committee
 - 2. Beaver Grove Grant
 - 3. 5 year Recreation Plan needs to be updated-on hold due to census numbers that need to be amended.

PLANNING DIRECTOR’S REPORT

- 1. Street lighting update
- 2. Beaver Grove Rezoning-Public Lands
- 3. June Planning Commission meeting date change-6/12/01

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Commissioner Emerson suggested that the Planning Commission review designating truck routes in the Township.

There was Commissioner concern about the mud on the Savola property along the rock cut.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence – Planning Commission Chairman to Township Board- Re: Street Lighting
- B. Correspondence – Sawyer International Airport- Re: Planning Coordination
- C. Minutes - Township Board – February 19 & March 19,2001
- D. Minutes – Township Board/City of Marquette/Mqt. Twp./Mqt. Public Schools- Joint Meeting- March 21, 2001
- E. Minutes- US-41 Corridor Management Team- February 20, 2001 & Mission Statement and Action Plan
- F. Information – MTA- Legislative Updates

The meeting was adjourned at 10:08 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
May 14, 2001

PRESENT: Commissioners Bill Sanders, Mike LaPointe, Thomas Shaw, Steve Kinnunen, Kendall Tabor arrived at 7:42, Scott Emerson arrived 7:43

ABSENT: Estelle DeVooght

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Dick Arnold, Cathy Peterson, Michael Pelkola, Ray & Cheryl Hosking

PUBLIC HEARING-SPECIAL USE PERMIT #2-MARQUETTE COUNTY ROAD COMMISSION-MINING PERMIT (SAND) FOR WITTLER PROPERTY ON US-41

Chairperson Sanders opened the public hearing at 7:32 p.m.. Planning Director Riley provided an overview of the requested permit. Planning Director Riley indicated that as of today there has been no correspondence or telephone calls received in response to the public hearing notice or adjoining property owner letters.

Dick Arnold, 312 West Branch Road, stated that he had no problem with the requested permit as this is a logical location for extraction of the needed sand. However, did the Road Commission haul sand out of that location today? If that is the case, he thinks the Road Commission should have to wait for approval just like everyone else.

Michael Pelkola, Marquette County Road Commission, indicated that yes the Road Commission did haul some sand from the site today.

Chairperson Sanders closed the public hearing at 7:45 p.m.

PUBLIC HEARING-REZONING #116- BEAVER GROVE RECREATION AREA PROPERTY-R-1 TO PUBLIC LANDS

Chairperson Sanders opened the public hearing at 7:46pm. One letter of correspondence from Cathy Peterson was read and placed into the record opposing the rezoning. Planning Director Riley explained that Rezoning #116 is a request from the Township for the rezoning of the Township's Beaver Grove Recreation Area property (29 acres +/-) from R-1 to PUBLIC LANDS. This rezoning continues the process of the rezoning of Township owned properties to Public Lands. As you probably remember, the Township amended the Public Lands zoning district last year to spell out actual permitted uses.

Other Township properties currently zoned Public Lands include the Township Hall site and the Kawbawgam Road property (rezoned last year). The Township has received a CMI Grant in the amount of \$85,000 for the continued improvement of the Beaver Grove Recreation Area. The total \$135,000 grant project includes: expanded parking near the soccer field, soccer field seating, a pavilion, a half court basketball court, covered dugouts, ballfield irrigation, fencing and signage. The Recreation Sub-Committee is currently reviewing these items and the Planning Commission will be reviewing the site plan for these improvements at an upcoming meeting.

Cathy Peterson-I am opposed to this rezoning because there is no need for it as public parks are already allowed in the R-1 District. John and I were promised that this would always be kept as a public park. We took less money for the property because it was going to be a park. These parks should be identified on the map and that if they were intended to be utilized as a park or a gift (e.g. Brower property), to the township it should be so noted.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:50 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated April 9, 2001 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the April 9, 2001 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner LaPointe, to adopt the agenda with the change of moving New Business Items A & B. before Old Business, and also adding New Business E. Private Road Review-Ray Hosking. **Motion carried.**

PUBLIC COMMENT: None

NEW BUSINESS:

CONSIDER-SPECIAL USE PERMIT #2-MARQUETTE COUNTY ROAD COMMISSION MINING PERMIT (SAND) FOR WITTLER PROPERTY ON US-41

The Planning Commission asked if the Road Commission had received any authority to haul sand from the site prior to formal approval? Planning Director Riley indicated the he had advised them that the earliest they would be able to haul would be following the Board meeting on May 21st when the application would be formally reviewed and acted upon by the Board.

The Planning Commission reviewed the particulars of the request pertaining to hours of operation, dust control on the access road, reclamation and permit duration.

The Planning Commission requested that Planning Director Riley and the Chairman draft a letter to the Road Commission advising them of the need to obtain necessary approvals prior to beginning work no different than any other applicant.

LaPointe Moved, Emerson Second, that after consideration of Special Use Permit #2 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section 407 of the Chocolay Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That a zoning compliance/mining and mineral extraction permit be obtained from the Zoning Administrator prior to use.

- 2) That the access road be adequately treated to prevent dust from impacting US-41.
- 3) That the permit is only valid for the 2001 road construction season and the site shall be restored to MDOT borrow site requirements.

MOTION CARRIED

**CONSIDER-REZONING #116-BEAVER GROVE RECREATION AREA
PROPERTY-R-1 TO PUBLIC LANDS**

Planning Commission discussion centered on the Public Lands zoning district and permitted uses versus the existing R-1 zoning district. Sanders indicated that he believed the Public Lands District better denoted the actual use of the property and this rezoning would streamline the process for making continued recreational improvements to the property. The commissioner's also discussed the merits of creating a map where public parks and properties are denoted.

Commissioner Sanders moved, supported by Commissioner Tabor that following the review of Rezoning request #116 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #116 to the Township Board to rezone said property from R-1 to PUBLIC LANDS.

Motion Carried

OLD BUSINESS:

**DISCUSS- LAKE SUPERIOR SHORELINE/DUNE PROTECTION –
UPCOMING PROPERTY OWNER MEETING**

Planning Director Riley presented some slides that could be utilized for the property owner meeting. The Planning Commission gave him the go ahead to send out the property notices and the meeting outline was fine. It was suggested to change the Dune text under Permitted Principle Uses B: to add after pruned “at the property owners discretion”, also after the word removed in the second paragraph to underline the word removed.

**NEW BUSINESS- DISCUSS-US-41 CORRIDOR PLANNING-
ACCESS/ACCIDENT MAPS-PRIORITY AREAS/ISSUES**

Planning Director Riley explained that as part of the US-41 Corridor planning effort, each jurisdiction has been requested to review their respective segment of the US-41 Corridor to identify critical areas or issues that they would like to see addressed in the actual Corridor Management Plan that CUPPAD is drafting.

Within the Corridor Management Plan there will be specific sections pertaining to each jurisdiction as well as common issues relating to all jurisdictions. CUPPAD has provided the "strip maps" for Choccolay's section from M-28 to the Rock Cut which detail access locations as well as accident incident data.

Planning Director Riley indicated that the US-41/M-28/Cherry Creek Road Intersection and the Rock Cut area have been included within the "critical areas" list. The "critical areas" list is a special area of focus for the Corridor Management Team. These areas have been deemed to have critical safety issues and these areas are being immediately evaluated for corrective action or immediate planning efforts.

Commissioner suggestions for areas of focus:

- Boulevard parts of US-41 in the township for curb control, buffers, speed, curb cuts.
- Safety Issues-speed enforcement.
- Aesthetics - Landscaping, lighting, visual speed reducer.
- Drainage-problem area by Wahlstrom's and Silver Creek Road.
- Rock cut-coordinated access road from Van Epps to Boy Scouts.
- Create a park overlook on top of rock cut.
- Warning lights for signals.

DISCUSS MARQUETTE COUNTY CONSERVATION DISTRICT AND CENTRAL LAKE SUPERIOR WATERSHED PARTNETSHIP-REQUEST FOR INPUT

Planning Director Riley explained that the Marquette County Conservation District and the Central Lake Superior Watershed Partnership requested the Township's input regarding their efforts/areas of focus. The Planning Commission is the logical body to provide the requested input. The Planning Commission determined to review these requests individually and forward their comments to Planning Director Riley who can then consolidate them to forward to these agencies.

PRIVATE ROAD REVIEW-RAY HOSKING-NORWAY TRAIL

Planning Director Riley indicated that Ray Hosking would like the Planning Commission to review his private road construction that had been originally reviewed and approved in 1993. Mr. Hosking constructed the road differently than what was on the approved plan, primarily by extending the road further onto the property. The question now is whether a new public hearing and property owner notification should be made?

Planning Director Riley noted that he has visited the site and the road meets the private road standards.

The Planning Commission reviewed the amended plan against the original plan and the conditions from the previous approval in 1993.

Commissioner Sanders moved, Commissioner Emerson supported that the Planning Commission reviewed the private road construction by Ray Hosking and determined that it was consistent with the private road approval. **Motion Carried**

SUB-COMMITTEE REPORTS/ITEMS

Recreation Sub-Committee-Next meeting is June 5, 2001.

Ordinance Amendment Sub-Committee-

The Ordinance Amendment Sub-Committee of the Planning Commission met on April 17, 2001 and discussed the following:

- 1) Intensive Agriculture
- 2) Electronic Message Boards
- 3) Golf Courses - Monitoring Wells/Testing
- 4) Height Regulations

Recommendations were as follows:

- 1) Intensive Agriculture - No need to address at this time.
- 2) Electronic Message Boards - Do not liberalize our Ordinance to allow this type of sign. Add language to clarify that a "time and temperature" sign, (such as what is typically allowed for banks), is not considered an electronic message board.
- 3) Golf Courses - Monitoring Wells/Testing - Doug will discuss this matter with the two golf courses.
- 4) Height Regulations - As was discussed/recommended last year, agreed to move forward with an amendment to make our height language consistent with other municipalities in the area. Add language, to address Fire Department concern, for structure to provide two access points less than 25' in height.

PLANNING DIRECTOR'S REPORT

1. Silver Creek School-Township purchasing
2. Census
3. Silver Creek School Student Council
4. Recreation Sub-Committee-June 5, 2001

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence – Marquette County Road Commission-RE: Street Sweeping
- B. Minutes - Township Board – April 16, 2001
- C. Information – MTA- Legislative Updates

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

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
LAKE SUPERIOR SHORELINE PROPERTY OWNERS MEETING
MAY 23, 2001**

Present: Commissioners: William Sanders, Thomas Shaw, Kendal Tabor, Michael LaPointe, Estelle DeVooght, Scott Emerson

Absent: Steve Kinnunen

Others: Doug Riley, Director of Planning & Research, Dennis Magadanz, Department of Public Works Supervisor, Cathy Phelps, Recording Secretary

SPECIAL MEETING CALLED TO ORDER:

Chairman, Sanders, called the special meeting of the Chocolay Township Planning Commission to order at 7:05 P.M.

A welcome to Lake Superior shoreline landowners and everyone interested was made by Sanders. He explained the potential erosion problem and potential solutions.

Doug Riley explained the problems encountered along the shore with a slide show. He showed examples of dunes with good and poor vegetation, along with problems dune changes have caused. Riley discussed that the only thing in place at this time was regulation on building construction setbacks, and that there are no regulations on vegetation or dune changes other than a soil erosion permit, which does not really address the issue.

Doug Riley displayed Section 218 – Overlay District. Riley explained that the reason for this discussion was that the Township receives a number of complaints every year.

Eero Wiitala wanted a clarification on overlay zoning and barrier dune. He stated that the dunes change constantly. He has lived along Lake Superior for 39 years and has tried everything. The dunes can vary 20 to 30 feet in one storm.

Sanders opened the meeting to public questions and concerns.

Bruce Heikkila, 700 Hampton Street, wanted to know how many problems per year have been documented. Emerson replied that they have not been documented because there are no Township rules or laws set. Tabor stated that the ordinance purpose was to set up a review process. If someone decides to bulldoze a dune they can at this time. This could cause a major sand problem. There are no laws or ordinances now against bulldozing or running four-wheelers on the beach. Emerson said we learned from the storm of '85 that we need to protect the shoreline. The Planning Commission needs to define an overlay zone, and they do not want to restrict pruning or minor changes only significant earth moving.

Riley read correspondence and phone conversations where property owners requested their comments to be presented to the Planning Commission:

- 1) Letter from Jim and Sue Drobny, 833 Lakewood Lane
- 2) Letter from Regis Walling, 545 Lakewood Lane
- 3) Letter from John Wilson, 793 Lakewood Lane
- 4) Letter from Mr. and Mrs. George Miller
- 5) Letter from Mr. and Mrs. Carl Lindquist, 193 Lakewood Lane
- 6) Phone comments from Marla Buckmaster, Lakewood Lane
- 7) Phone comments from Margo Mathews, 851 Lakewood Lane
- 8) Phone comments from Mike Nelson, property owner on Lakewood Lane
- 9) Letter from Mary Asente, 1893 M-28 East

(Also attached –received after the meeting – a letter from Glen and Ev-Ann Johnson and a letter from Dan Wiitala, 645 Lakewood Lane)

Public Comment Continued:

Bruce Heikkila, has owned land on Shot Point for 40 years, erosion is not applicable to Shot Point because it is rock. It is not a high erosion area. Will this ordinance change affect Shot Point?

Sanders responded that it is included at this time.

Emerson said maybe we should have this area exempt.

Shaw responded by saying that rock, like sand, can still be removed. Bruce Heikkila asked, "why should this area be included when there is no dune problem."

Mona Scriba, 2461 M-28 East, gave her observations. They winter in Indiana and they hike the dunes. They see erosion problems. Along Lakeshore Drive north of Fair Avenue the dunes were cleared out and the sand covered the road. They had bayou in their yard before the storm of '86. The wind broke through a low dune and filled in the pond with sand. Small changes made to a dune can have a great impact. She is supportive of having regulations. Asked if the state has any regulations?

Joan Duncan, DEQ, stated they receive 20 calls per year from people with problems regarding the dunes. There is nothing she can do, there are no state regulations other than for the high risk erosion areas, which only regulates structure setbacks. She suggested the Township not use the water's edge as a reference point or "significant vegetation". Instead she suggests using the high water mark or erosion hazard line. She stated that the Army Corps of Engineers have no rules or laws applicable to the dunes either. There is a severe problem in Chocoday Township.

Whitney Johnson, 313 Lakewood Lane, there should be preventative measures to prevent bulldozing through dunes. There may be some exceptions. Sand paths are inevitable, but there should be control over bulldozing.

Eero Wiitala, 801 Lakewood Lane, he has lived along Lake Superior for 60 years and knows you cannot plant beach grass. It is a futile effort to try.

Marv DeMilio, 443 Lakewood Lane, agrees with Joan Duncan regarding a reference point. During high water, you are lucky to find 400' of your property. This year the grass is as far to the lake as it has ever been. One storm and the grass edge could move considerably. He is for building decks on the dune, or plant trees. He would be very upset if his neighbors bulldozed the dune. He is in favor of no bulldozing or four-wheelers on the beach.

Carolyn Jean, 373 Lakewood Lane, says her dunes are changing constantly. No one can fight mother nature. We need to do what we can to protect the dunes. She is in support.

Marci Thieme, 1895 M-28 East, states we should listen to Joan Duncan. The ordinance being worked on by the Planning Commission should be clear. She thinks the issues are stairs and dune grass plugs.

Jude Catallo applauded the Board. She told residents never to be surprised at what people would do. The ordinance needs to have precise language.

Connie Barto, 951 M-28 East, states her dunes are lower now. She does not want this to apply to steps. She does not want to have to get a permit to put in steps, and have to pay for it. She is in favor of less intrusive rules and regulations. She is in support of rules for major dune changes.

Susan Burney, M-28, just purchased land last summer. She thinks if anyone wants to alter a dune, they should have to go through channels.

William Sanders does not want to have lots of rules either. He believes notification of neighbors and anyone affected by a change should be able to be involved with decision making. There should be a process everyone needs to go through for major dune changes.

Jennifer Bruggnik, 673 Lakewood Lane, stated that late one evening a bulldozer was pulled up to her neighbors. They had no chance to object. She would like to be informed and have a chance to voice her opinion before action is taken. Now the wind blows sand into her yard. She is very concerned about erosion. The neighbors have put no beach grass plugs in, as far as she knows. She wants to have notice. People need to get a soil erosion permit, but many people do not know about it. How are people informed? Some people are just ignorant of the rules. She is in support.

Maci Scriba, M-28 East, regarding Barto comment; for staircase on dune, you must have building permit, but the DEQ involvement isn't required. There are some ordinances in the Township that people don't know about. This meeting brings these to light.

Sue Britton, 733 Lakewood Lane, not in support. Public hearing is excessive. Most people are aware. Permits now are adequate.

Sally Mellon, 481 Lakewood Lane, we have rules for dunes already. No one can bulldoze.

Joan Duncan, DEQ, 1972 was when the high risk erosion areas were established, all land owners were notified. In 1989 the Sand Dune Act was passed regarding critical barrier dunes in other areas. There are no state designated critical dunes in Marquette County.

Sally Mellon, 481 Lakewood Lane, wanted to know how can people bulldoze large construction areas without a permit. She moved here 12 years ago, her grass area is growing and getting better. She supports no bulldozing without a permit. She thought we had rules.

Virginia Long, 729 Lakewood Lane, new people in area need guidance. When she moved here she had no dune. She heard there was a bayou at one time in front of her home. Chocolay River at one time ran all the way to Sand River along the shore. She loses about one foot of beach a year. She believes the lake is moving south.

Eero Wiitala, 801 Lakewood Lane, wanted to know if we have more regulations, will our taxes go up. William Sanders said no. Wiitala wanted to know where the manpower would come from. Shaw said you see it.

Ann Johnson, 571 Lakewood Lane, stated if people want to move sand, they should use professionals and through the state, they have a couple different departments. They should go through the proper channels. Not in favor of more permits, just enforce the laws we have now.

Eero Wiitala, 801 Lakewood Lane, wanted to know what the Planning Commission is going to recommend.

William Sanders thanked everyone for expressing their thoughts.

Doug Riley explained the procedure the Planning Commission would go through to make any changes, and that it would take quite some time to make any ordinance changes.

Marv DeMilio, 443 Lakewood Lane, supported amending local zoning ordinance. Asked if the Township can stop the bulldozing now. Riley responded by saying there is no quick fix, it would take at least 3 to 6 months for changes to be made. There is no ordinance now.

Joan Duncan, DEQ, stated if there is no wetland, she has no authority.

William Sanders stated that it is time for government to make changes.

At this time the Planning Commissioners gave their comments.

Tabor: Good idea. Likes the idea of at least having a review process.

DeVooght: It was a very educational meeting. People are now aware. She does not want bulldozers destroying dunes when neighbors are affected. She is not a permit person. The public needs to be educated.

LaPointe: Appreciates everyone's comments. The language does need refining. There are no regulations on bulldozing the first dune. We need to have a permit and a review process. To build a walkway or similar structures, he doesn't believe getting a permit is the intention of this meeting.

Emerson: Thanked everyone for coming. People generally care about their lakeshore in this Township. We need to define “significant earth change” and have to have a defined line. All zoning ordinances need to be followed. We cannot regulate nature. We need to have permits and guidelines in the ordinance. Perhaps we could also have an educational pamphlet.

Shaw: His biggest concern is that Lake Superior is a big force. We need education and guidelines.

Sanders: We need to further define the vegetation and dune area. Rock areas are not subject to this change as sand areas are. He believes this should involve major changes of dunes not walkways, steps, etc. We need to have a review process for neighbors to be involved. We should look at the erosion hazard line as a boundary definition. He asked Riley the cost of a Conditional Use Permit. Riley said the current fee is \$75.00.

William Sanders closed the special meeting by thanking everyone for the good turnout. He stated that most residents are good stewards of the land. He thanked everyone for their opinions and the opportunity to discuss this issue.

Whitney Johnson thanked the Planning Commission for holding the meeting and asking for their input. He hoped that future meetings could also be held.

The meeting was adjourned at 8:45 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
June 12, 2001

PRESENT: Commissioners Bill Sanders, Mike LaPointe, Thomas Shaw, Kendall Tabor, Scott Emerson.

ABSENT: Estelle DeVooght and Steve Kinnunen.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Lee Snooks, Director of Recreation and Grants, Eero Wiitala, Sally May, Phil May and Dan Trotochaud.

PUBLIC HEARINGS None.

MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:37 p.m.

APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated May 14, 2001 were presented for approval.

Moved by Commissioner LaPointe, supported by Commissioner Tabor, that the May 14, 2001 minutes be approved as presented. **Motion carried.**

The minutes of the special meeting of the Chocolay Township Planning Commission, dated May 23, 2001 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the May 23, 2001 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

Eero Wiitala, 801 Lakewood Lane, stated that the residents were already over-regulated. Phil May, 425 Lakewood Lane, said they were out of town during the shoreline meeting, but they have written a letter which was given to the Planning Commission.

OLD BUSINESS

A) Discussion on Lake Superior Shoreline/Dune Protection – Follow up from the Property Owners' Meeting.

Doug Riley discussed that he had written up a revised draft. The next step would be to schedule a public hearing. He explained the steps that need to be taken to adopt a zoning ordinance amendment.

Bill Sanders asked if Chocolay has any survey data on elevations along the shoreline pertaining to the high water mark that could be used in the field. Riley stated he didn't believe the Township had any field information on this elevation.

There was a discussion on the "high water mark" and "erosion hazard line". The high water mark elevations are set by the State. Tom Shaw asked, if a home owner wanted to make a change, would he have to pay for someone to come and survey the land to establish where the "high water mark" was located? Discussion was made regarding who could make that determination without calling in a surveyor with high cost to the homeowner. Emerson stated he would like to have a physical feature to show the erosion hazard line, so the Planning Commission could make a determination by looking at the area. Riley mentioned that Mark Maki, the Zoning Administrator, would be making the initial determination. Riley showed a map showing the high risk erosion areas. Phil May said they moved here in 1968, and the dunes are way up now, that is the reason he bulldozed their dune. They could no longer see the lake. Sally May mentioned that they have lived there from the lowest to the highest levels. She said there are erosion problems in some areas, in their area the dunes just grow.

Riley said the State only regulates structural setbacks, they have no rules on dune alterations. He would like to have Joan Duncan come to the next meeting to educate the

Planning Commission on “high water mark” and “erosion hazard line” and to find out if there is an easy way to determine the elevation in the field.

Shaw explained to the public that without an ordinance your neighbor could do anything he wanted to his dune. Phil May said a property owner should be able to take a risk and do anything he wants on his property. Sally May said other neighbors had bulldozed and there were no problems. They have a constant accumulation of dunes. LaPointe stated that the Township has Objective Conditional Use standards already set. Eero Wiitala mentioned we cannot do anything about the nature of the dunes and we should not have any local regulations since we already have State regulations. Riley stated there are no State regulations, only setbacks. Eero Wiitala asked if there were any dune studies that the Township could use. Riley said there are some from Lake Michigan and CUPPAD has done some in Alger County where it is State regulated. Here we have no State regulations. Scott Emerson said the Planning Commission needs more education on the high water mark and erosion hazard line, the Planning Commission has decided to exempt Shot Point from the shoreline ordinance, and that bulldozing needs more objective criteria. Phil May questioned the meaning of “run off”. Phil May said that run off doesn’t happen on the beach the water soaks straight down. Mike LaPointe stated that the Planning Commission needs to change the wording of run off to wind erosion in the draft for clarification.

Riley said he would talk to Mark Maki and Joan Duncan if they could come to the next meeting. He will have something for the Planning Commission to review prior to the next meeting. LaPointe mentioned we should have examples of minor and major earth moving to clarify it to the homeowners.

Sanders said the Planning Commission would try to keep the residents informed by direct mailings or public service announcements in the newspaper. Right now the Planning Commission is working on the draft of the ordinance, and when it is complete, they will mail the draft to the homeowners. A direct mailing is not required by law, but we will do that stated Riley. A public hearing will be held when formally considering the ordinance.

NEW BUSINESS

A) Annual Election of Officers

Discussion by Planning Commission regarding Chairperson.

Commissioner Emerson motioned to keep current slate of officers, Commissioner Tabor second to approve annual election of officers as presented. **Motion carried.**

B) 2000 Annual Report

Commissioner Emerson moved, LaPointe second that the 2000 Annual Report be approved as presented. **Motion carried.**

SUB-COMMITTEE REPORTS/ITEMS

A) Recreation Sub-Committee

Commissioner LaPointe reported that Beaver Grove Grant work will be underway this fall. Engineering plans will be approved by July 19th. Once they are approved, work can begin on the basketball courts. The pavilion work will begin next spring. There will be an announcement in the CABA Quarterly regarding needing volunteers.

B) Ordinance Amendment Sub-Committee

Riley discussed issues. He said next month the Planning Commission will review the height amendment. The Planning Commission discussed dark sky regulations, and the lighting for the Township.

PLANNING DIRECTOR’S REPORT

1. Introduction of Cathy Phelps replacing Stacy Busch as recording secretary.
2. Card for Estelle DeVooght to be signed by the Planning Commission.
3. Thank you letter to Stacy Busch for two years of recording services.
4. TEA 21 Grant for Bike Path between Silver Creek to Cherry Creek Schools.
5. Golf Course well monitoring in Township.
6. Grant report given by Lee Snooks. He informed the Planning Commission about grant possibilities from Coastal Management Programs for Grants. There is grant money available. The Planning Commission discussed possible ideas for grant money. There may be money for an education booklet

regarding living on Lake Superior and refurbishing and/or building new steps along the lookout areas of M-28. The State looks for innovative programs.

PUBLIC COMMENT

The Planning Commission discussed that the overall public comments have been supportive of the shoreline/dune protection. Comments have come through meetings, correspondence and telephone communication.

COMMISSIONER COMMENT

Commissioner Shaw asked about Township website. Discussion was over the County Information System (CIS) and when it would be available to the public and the Townships own website. Shaw commented about having information on the website regarding the shoreline/dune protection.

The meeting was adjourned at 9:20 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 9, 2001

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

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Grants and Recreation, Mark Maki, Zoning Administrator/Assessor, Denny Magadanz, DPW Supervisor, Scott Hubbard and Cathy Phelps, Recording Secretary

I. PUBLIC HEARINGS

Chairman, Bill Sanders called the Public Hearing to order at 7:32 PM.

Private Road Request #16 – Scott Hubbard – Extension of Wintergreen Trail

Doug Riley showed overheads regarding the proposed extension to Wintergreen Trail. The new extension goes along a two-track road, so there will be no need to remove many trees. This project will be the last extension of Wintergreen Trail. Mark Muscoe, 160 Timberlane, sent a correspondence stating that he is not opposed, as long as it complies with the Ordinance regulations and floodplain regulations.

Public Hearing closed at 7:36 PM

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:36 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated **June 12, 2001** were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner LaPointe, that the June 12, 2001 minutes be approved as presented. **Motion carried.**

IV APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Shaw seconded, moving A. of New Business before Old Business. Approved.

V. PUBLIC COMMENT:

Mark Maki, 370 Karen Road, has two suggestions:

- 1) That the Planning Commission write a letter to Ameritech, the owners of the overpass on M-28, regarding it being painted as it is an eyesore to Chocolay Township.
- 2) Planning Commission Budget – Suggests adding \$10.00 per meeting per diems.

VI. NEW BUSINESS:

A. Private Road Request #16- Scott Hubbard –Extension of Wintergreen Trail

Discussion:

Maki stated that lots A, B, C, and D were previously approved. Sanders questioned when the first section was approved. Maki answered 5 or 6 years ago. DeVooght asked how many total acres were involved. Hubbard stated 120 acres and that some people already live there.

Sanders moved, Tabor second that after review of Private Road request #16; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The applicant provide verification of current ownership prior to beginning construction.
- 2) The applicant install 2' gravel shoulders to comply with Ordinance requirements.
- 3) 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.
- 4) The applicant pay for and install a stop sign at the intersection of Wintergreen Trail and M-28.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) A zoning compliance permit shall be issued after all of the above conditions are met.
- 7) 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.
- 8) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Zoning Administrator for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Motion Carried

VII. OLD BUSINESS

A) Discuss – Lake Superior Shoreline/Dune Protection –Review of Draft Overlay District Language

Emerson read the minutes from the Lakewood Cottagers Association II meeting of June 14, 2001 supporting the Dune Ordinance. (Placed on file.) LaPointe asked how many people were members of this association? Emerson stated that 10 families or about 30 people were involved. Riley asked how large an area it encompassed and what the rules were? Emerson said about 1,000 feet of lake front, and that this association was created about 30 years ago, before he had moved to the area. Basic trimming and removing of vegetation (trees) have been handled by the association. DeVooght asked what house numbers along Lakewood this included. Emerson informed the Planning Commission that it included 101 to 175 Lakewood. He said that about 75% of the members have lived there 10 years or so, and that it is a mixed age group.

Sanders stated that the changes made to the draft ordinance were straight forward. Maki said he and Doug Riley met with Joan Duncan and the “erosion hazard line” will be fairly easy to find in the field. Riley made comment regarding the dune court case which Tom Frazier, from Michigan Townships Association, faxed to Riley. Riley has discussed this with Mike Summers, the Township’s attorney. Attorney Sommers will look over the case and give his analysis next week. Personally, Riley thought it did not parallel Chocolay’s issue. Kinnunen stated that the “high water mark” will not stay the same. Riley said that is why terminology needs to be clear. Kinnunen stated it should be kept simple. There was discussion about the terminology of foredune, erosion hazard line, high water

mark, and first barrier dune. Riley stated that dunes will vary tremendously. Emerson said the Planning Commission isn't out to take residents' property, but to educate them to help correct problems.

Marci Thieme, 1895 M-28 East, invited Sanders and Riley to see her yard and her neighbors and to show them how different the dunes were there. She asked, if someone comes in with a request, will the neighbors be contacted and able to voice their opinion? Sanders answered, yes. Kinnunen stated that there are building setbacks that residents have to abide by. Shaw said all lots will be unique, and the Planning Commission should not have a certain distance set. Emerson said he thought there should be a distance set and suggested a maximum of 100 feet so residents would know exactly what they are working with. Sanders stated the landform is there, some lots will have wider dunes than others. Emerson stated it had to be clear to be able to enforce the dune amendment. Sanders asked Riley and Maki what Joan Duncan suggested, and how to administer it in the best way. Maki said 100 feet should be good. Kinnunen thought we should implement the 100 feet to get things started. Riley closed the discussion by saying he would set the public hearing for August at the Silver Creek School gym. He will first send a letter and the draft ordinance to all property owners along Lake Superior.

VIII. NEW BUSINESS:

B. Discuss Height Amendment

For quite some time, staff has been discussing the need for an amendment to our current height definition. Essentially, the problem with the existing definition is the last sentence which does not permit any structure to exceed 30 feet at any point of the structure. This conflicts with the majority of most other area Ordinances which allow an "average" 30 foot height.

This issue has become increasingly important over the last several years as home heights are being increased and a home that could typically be built elsewhere is not permitted in Chocolay Township without a variance. It also creates the scenario where homeowners make radical changes to the slope or grade around their homes in an attempt to bring them into compliance with our regulations.

Riley said he met with Gary Johnson, Fire Chief, and Mark Maki, Zoning Administrator, and that two points of access were needed. Maki said residents have been granted variances. The "in thing" now is big roofs even on single level homes. Sanders stated that average height on gable is measured from the ground 10 feet away from the building. Riley said it would only be a discussion tonight and then he would publish for a public hearing. Sanders suggested waiting until the September meeting, since the dune issue was being discussed in August. Shaw felt it would be too messy being mixed in with the dune meeting.

C. Discuss 2002 Planning Commission Budget

Sanders discussed the possibility of an increase for meeting per diems. Riley said since at least 1987 it has been \$30.00 per meeting. DeVooght said she has been on the Commission since 1986 and has always received \$30.00 per meeting. Riley said the Township Board would make the decision. LaPointe questioned if the recreation committee questionnaire cost came out of this budget. Riley stated that Lee Snooks would have that in his budget for Grants and Recreation. LaPointe suggested that they add a new slide projector into the budget. Riley said it could go under computer costs. Tabor suggested getting power point instead of a slide projector. Emerson questioned if the Township had a digital camera. Riley stated that Mark Maki had recently purchased a digital camera. Riley also questioned if we should spend money on old technology, but that cost has to be considered. \$200 versus \$2,000. He wondered how easy the power point was to use. Tabor suggested taking a class through the medical center this month. LaPointe said there is some complexity in using one. You have to have a

compatible laptop computer. Emerson said the prices are coming down. LaPointe said he has done lots of research on a power point and will help evaluate whether to purchase one. Sanders said it was just a discussion tonight and suggested we recommend to Ivan Fende, the Supervisor, that we purchase one.

Emerson stated that the extra \$10 per meeting could be used in many other ways. Magadanz stated that if the Commission doesn't ask for the increase, the other committees may have trouble getting one. Riley said asking for an increase only every 15 years was very reasonable. Riley said he would put the budget request together and review with chairperson Sanders.

IX SUB COMMITTEE REPORTS/ITEMS

A. Recreation Sub Committee

LaPointe asked for a grant update. Lee Snooks, Director of Grants and Recreation, said he had heard from U.P. Engineers, they had a new timeline. Some construction may be possible by September. The DNR will have their bids and specs by August. The Beaver Grove pavilion could be started this fall. We do not qualify for an USDA equipment grant for the community center since the average household income must be below \$32,000. In Chocolay Township, the average income is \$33,000.00. He will look at other options. The Recreation Sub Committee did not meet in July, because of the holiday.

B. Ordinance Amendment Sub Committee The next meeting will be July 16, 2001 at noon.

X. PLANNING DIRECTOR'S REPORT

Riley reported that the Silver Creek School purchase has been completed. The first payment was made on June 28th, 2001. Chocolay Township will take possession in June of 2002. The Summer Youth Program will be using the school gym in inclement weather this summer. Last year the program had to be cancelled for bad weather days and it was a problem for some parents to pick up their children.

XI. PUBLIC COMMENT – None

XII. COMMISSIONER COMMENT

DeVooght questioned what has happened with the issue of feeding wild animals in Chocolay Township. Riley said the Board discussed it and we do not have a problem here in Chocolay warranting an ordinance. Marquette Township brought the issue to their Board, and it did not pass there. Marquette City is still discussing the issue.

Emerson suggested that we pursue discussions with a nature conservancy regarding and developing the rock cut with a park and possibly a scenic overlook from the top. The area consists of 7 acres. He thought we could do some fundraisers for the project. LaPointe stated that Marquette City may be interested also in working with us. Snooks thought the DNR may have some grant money for that type of project. Sanders noted that we may have a good chance in getting a grant since it is a unique landform, and that many schools from the area come to study the rock, so they may be interested in getting involved also. This could be a very exciting project.

XIII. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

August 13, 2001

PRESENT: **Commissioners:** Bill Sanders, Tom Shaw, Scott Emerson, Mike LaPointe, Estelle DeVooght, Steve Kinnunen.

ABSENT: Ken Tabor

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Grants and Recreation, Denny Magadan, DPW Supervisor and members of the audience.

I. PUBLIC HEARINGS

Rezoning #117 - Text Amendment - Lake Superior Shoreline/Dune Protection Overlay District

Chairman, Bill Sanders called the Public Hearing to order at 7:32 PM.

Doug Riley, Director of Planning and Research, gave a slide presentation detailing the dune issue in Chocolay Township and explained the proposed Overlay District the Planning Commission has been working on. He also detailed the changes to the draft language that were made following the shoreline property owner meeting in May.

Mark Berney, 1875 M-28 E, When they purchased their property they had obtained a permit from the Conservation District to remove sand from the dune. They would like to be able to proceed with that permit approval.

Jim Fisher, 277 Lakewood, There are enough regulations now. He does not want the Township telling him what he can do. How does this proposed regulation get interpreted in the future when you have different people involved? The pruning language is really problematic. Who is doing the interpretation?

Mike Nelson, 1849 M-28 E, Questioned the width of the overlay district. Concerned with increased government regulation. Complemented staff with their current administration of Township Ordinances, however, is concerned with future administrators or Planning Commissioners that would be reviewing conditional use applications. He has had a problem dealing with the DEQ in the past and their slow timetables. He sees the benefit of the proposed Ordinance, however, is concerned about the future administration of the regulations.

Jan Amundsen, 2029 M-28 E, Concerned that the width of their property does not allow them to do anything once you figure in right-of-ways, setbacks, and now this dune overlay district.

Whitney Johnson, 313 Lakewood, How is the width of the dune recognized? In his example it may lead all the way to the bayou. Where is the breakoff? The dune shifts. Also questions distinction between pruning and cutting or removal of trees?

Phil May, 425 Lakewood Lane, They recently lowered their dunes by 2-3 feet because their view was blocked due to the dune height increasing over time. Their view is part of

their property rights. Concerned that someone down the road would block him from fixing a problem thus diminishing their property value. Also, concerned with the tree cutting language since he planted trees years ago and he should be able to remove them at his own discretion now that they have grown and are blocking their view.

Marilyn Howard, 409 Lakewood, Perhaps this is too much government involvement that we do not need. The build up of the dune is diminishing the value of their property.

Sherry Nelson, 1849 M-28 E, What precipitated this discussion? Are their specific problems? Why don't the problem property owners plant dune grass?

Glen Barto, 1951 M-28 E, How will this relate to building permits if the proposed building is located within the overlay district?

John Driver, 721 Lakewood, Supports the proposed overlay district to some extent. He has seen the problem where erosion has occurred where areas were disturbed and did not revegetate. He continues to plant trees and beach grass to stabilize the dune area.

Joan Duncan, Michigan Department of Environmental Quality, stated to again clarify that there are no State or Federal regulations prohibiting the complete removal of dunes or dune vegetation in Chocolay Township.

Ev-Ann Johnson, 571 Lakewood, She has been there since 1976 and the dunes have increased by 3"+. There are sources of professional people available such as the DEQ that are available to help property owners. Everyone on the Lake loves their property. We are the best tenders of the shoreline.

Bruce Nelson, 447 Lakewood, He helped his Farther build their cabin 70 years ago. There was no dune originally. Now it is 20' high. Not concerned about view. Is there a science of dune life? Dunes have a history. Nature will take over regardless.

Lois Waara, 1687 M-28 E, They took their home down and rebuilt 150' farther away from the lake because of erosion. There is a book on the science of dunes. The sand will move.

Walter Nummela, 2995 M-28 E, Does not think the erosion hazard line has changed but the dune is shifting since the water is lower. Has no concern regarding a view of the lake.

Phil May, 425 Lakewood, A lot of people have expressed the same thing. Even where you bulldoze, the shoreline builds back up.

Joan Duncan, Michigan Department of Environmental Quality, Is there a provision to deny a permit?

Bill Sanders, Planning Commission Chairman, explained the Conditional Use approval process and that denial is one option the Planning Commission has.

Phil May, 425 Lakewood, Read the Conditional Use standards. Feels they are so broad that they make him nervous.

Connie Barto, 1951 M-28 E, The less government the better. Why do we need restrictions for everyone when we are good stewards?

Mark Berney, 1875 M-28 E, Why are the existing regulations of the Conservation District not being enforced? Need for more education.

John Lavallee, 2845 M-28 E, With the exception of the M-28 turnouts, is there any other public lands that would be subject to these regulations? Would the State have to comply? Also questions conditional use approval being needed to put protective measures in place such as rip-rap.

Doug Riley, Planning Director, indicated that there were no other public lands other than the turnouts. Whether the State is subject to local zoning is still being debated in the Courts.

Sally May, 425 Lakewood, Neighboring properties can vary tremendously. An example is their property versus Kinnunen's to the west. Kinnunen's have trees, we have dune grass. Therefore she is concerned with the "harmonious" language in the Ordinance. Also concerned with the Planning Commission's ability to deny a request. When they lowered their dune the last time, a Planning Commission member, who is a neighbor, advised them that they wouldn't be allowed to do it again. Wouldn't they have to excuse themselves from voting?

Mike Nelson, 1849 M-28 E, Confused. The Conservation District is suppose to address some of these issues. How do you address the laws that are not currently enforced? Thinks that the proposed overlay district is only going to help those that abide by the law.

Steve Bicigo, 995 Old Little Lake Road, Is this all of the property owners? If you are all such good stewards of the land, you shouldn't have a problem with this. Regarding mother nature, it may just be returning the dunes to where their suppose to be.

Public Hearing closed at 9:12 PM

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 9:12 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated **July 9, 2001** were presented for approval.

Commissioner Emerson stated that under Old Business A), first paragraph, third sentence should read "10 families" instead of "16 families" being involved in the Lakewood Cottagers Association.

Moved by Commissioner DeVoogt, supported by Commissioner Kinnunen, that the July 9, 2001 minutes be approved with the correction presented. **Motion carried.**

IV APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Kinnunen seconded, to approve the agenda as presented. **Motion carried.**

V. PUBLIC COMMENT:

None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Rezoning #117 - Text Amendment - Lake Superior Shoreline/Dune Protection Overlay District

Chairperson Sanders stated that tonight's public hearing comments are very interesting since the shoreline property owner meeting in May was a lot different. In May, the majority of the property owners attending were in favor. Those in favor are obviously not here tonight.

The Planning Commission addressed many of the questions that were raised during the public hearing.

Commissioner Emerson suggested that one idea worth considering was for the property owners to form associations, like the Lakewood Cottagers, to address these issues instead of the local government having to address them. The essence of the problem is that man makes changes that cause problems and most often accelerates problems. What the Planning Commission is trying to do is not to prohibit, but to advise in an attempt to avoid man made acceleration of problems that affect neighbors. The problem is that when man intervenes in nature, it accelerates the rate of change.

Commissioner DeVooght stated that when we started reviewing this matter we started out talking about education on this issue. But as we proceeded more and more people told us about the problems they have experienced. The Planning Commission really did not want to do this, but now the people seem to want it put in place.

Commissioner Emerson stated that all of the Lakewood Cottagers Association members were in favor of it.

Paul Kinville, 577 Lakewood, Asked how many complaints have been received? Only one example shown in the slide presentation, is that the only one?

Commissioner Emerson stated that without regulations we don't address the complaints and people don't come forward.

Mrs. Bruggink, 673 Lakewood, The Ordinance aspect that he likes is the notification of adjoining property owners. Some oversight may be beneficial. How would property owners be informed of this law in the future? What about enforcement of violations?

Doug Riley, Planning Director, indicated that certainly property owner awareness of the regulation is paramount to its success. The Planning Commission and staff have been discussing the need for some type of guide that is mailed to all shoreline property owners and new owners when they purchase property. Regarding enforcement, the Ordinance would be enforced by the Zoning Administrator with violations potentially processed through the Township Attorney and Circuit Court.

Richard Anderson, 407 E. Michigan, If a functional association is in place, perhaps the association enforcing dune provisions can take the place of a zoning ordinance. Perhaps the Township can provide incentives for such associations to be established.

Glenn Barto, 1951 M-28 E, How quick would a conditional use application be processed?

Doug Riley, Planning Director, indicated that a minimum of 8 days due to public hearing and adjacent property owner notification requirements.

Commissioner LaPointe, who is also the District Conservationist, stated that a Soil Erosion Permit does not prohibit the removal of the dune or vegetation. Yes there are provisions that apply to the erosion aspects, however, the possibility of its provisions being enforced by the County Prosecutor is minimal.

Chairperson Sanders stated that what the Soil Erosion Act does not do is put a mechanism in place where adjoining property owners are notified of the proposed activity. Currently there are absolutely no notice provisions.

Commissioner LaPointe stated that one neighbor objecting to a conditional use application only carries weight with the Planning Commission if they have sound reasoning. The Planning Commission has reviewed many conditional use applications over the years, and it is only the factual well reasoned public comments that play a factor. He believes the Planning Commission is very reasonable in the handling of applications.

Joan Duncan, Department of Environmental Quality, She receives 15-20 calls/complaints per year regarding dune changes in the Township. She has to tell them that there are no State or Federal regulations. She will often make suggestions but has no regulatory authority. There are problems out there. There is one property owner who bulldozes every year faithfully.

Chairperson Sanders, In general terms what we are proposing is a good idea. At least it creates a review process. Perhaps the Planning Commission should strike the language pertaining to rip rap, and other erosion control measures from requiring Conditional Use approval. Suggests this as you may not have time to wait for approval if you have immediate or emergency reasons for erosion control. Perhaps the language pertaining to removal of vegetation may be a little too broad but he does not necessarily see this as a negative.

Whitney Johnson, 313 Lakewood, Thanked the Planning Commission for giving the property owners the opportunity to discuss this and being provided a chance to comment versus just shoving this down our throats.

Commissioner Emerson stated that he liked what Mr. Anderson stated regarding the property owners establishing associations. If this was possible it would improve neighbor relations and the protection of the dune.

Connie Barto, 1951 M-28 E, Seasonal residents for a lot of the shoreline create a problem for forming or operating associations.

Commissioner Kinnunen stated that this issue is not new. These concepts have been in the Chocolay Township Comprehensive Plan for many years. The key thing that people need to remember is that the dunes serve a protection function for a great many homeowners. What the Planning Commission is proposing is not a prohibitive mechanism, it is to provide all property owners with appropriate safeguards so that problems are not encountered.

Wayne Amundsen, 2029 M-28 E, Just bought their house. One of the realtors told him he could get a soil erosion permit and bulldoze the dune. This attitude is a good reason for the proposed Ordinance.

Mike Nelson, 1849 M-28 E, It took him a year to get an answer once from the DEQ. Hopes this process would not take that long.

Marlene Fisher, 277 Lakewood, Over the years she has seen the dune change. Had to wait 108 days to get setback approval from the DEQ when they relocated the house. Not interested in any more bureaucracy.

Chairperson Sanders, suggested that the Planning Commission strike "are minor in nature" in the second paragraph of B) and in Item C - Conditional Uses - strike "or removes vegetation" and strike the "rip rap" language.

Phil May, 425 Lakewood, Some kind of comprehensive education material supplied to new property owners with the overlay district would be advisable. Give to existing property owners and new property owners as properties are sold.

Planning Director Riley indicated that this education aspect is certainly important. The Planning Commission has discussed the need for an guide for homeowners on applicable shoreline regulations. Perhaps we may be able to get a grant for some education efforts and a guide.

Ev-Ann Johnson, 571 Lakewood, Stated that there was no misunderstanding in our minds when we worked with the DEQ.

Charles Booth, 281 Lakewood, If the Planning Commission is open to additional suggestions to the text language, he would suggest that "whichever is less" should be included in the 2nd paragraph.

Sanders moved, DeVooght Second, that the Planning Commission recommend approval of Rezoning #117 to the Township Board for a text amendment to Zoning Ordinance #34 to establish Section 218 - LAKE SUPERIOR SHORELINE/DUNE PROTECTION OVERLAY DISTRICT and to amend Section 101 - Definitions, to establish a definition of foredune for the purpose of the Overlay District with the following changes:

- 1) Under SECTION 218 subsection A), second paragraph, insert "whichever is less" after the term landward.
- 2) Under SECTION 218 subsection B), second paragraph, delete "are minor in nature and" in the first sentence.
- 3) Under SECTION 218 subsection C), first paragraph, delete "or removes vegetation" from the first sentence and delete the entire last sentence of the first paragraph.
- 4) Under the FOREDUNE definition, insert "whichever is less" after the term landward.

(The language as proposed amended was read for the public).

Commissioner LaPointe stated that there have been some very good points made tonight from property owners who certainly care about their dunes and neighbors. However, there are a lot of bad actors out there, he gets to see them all the time in his line of work, and he can see someone coming in and destroying the dunes and really causing problems.

Motion carried unanimously.

B. Beaver Grove Recreation Area Site Plan - Grant Improvements

The Planning Commission reviewed the site plan detailing the CMI grant improvements to the Beaver Grove Recreation Area.

The Planning Commission discussed the need to incorporate shade trees into the site.

LaPointe moved, DeVooght second, to approve the site plan for the Clean Michigan Initiative grant improvements to the Beaver Grove Recreation Area per the U.P. Engineers and Architects plan dated 8/10/01.

Motion carried unanimously.

VIII. PLANNING DIRECTOR'S REPORT

Riley reported that Family Dollar had been working on completing their site improvement to gain compliance with their site plan approval.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

XII. ADJOURNMENT

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

Estelle DeVooght, Commission Secretary

Doug Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
September 10, 2001

PRESENT: **Commissioners:** Bill Sanders, Tom Shaw, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Ken Tabor, and Scott Emerson (arrived at 7:34).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, and Lee Blondeau, member of the audience.

I. PUBLIC HEARING

Rezoning #118 – Text Amendment – Height Definition and Height Limits for Accessory Buildings

Chairman Bill Sanders called the Public Hearing to order at 7:30 PM.
No public present. Public Hearing closed at 7:30 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:31 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated August 13, 2001 were presented for approval.

Bill Sanders questioned Estelle DeVooght on Page 4, Paragraph 3 with no changes being made, and then questioned Doug Riley on Page 3, Paragraph 2 regarding changing Mr. Bruggink to Mrs. Bruggink.

Moved by Commissioner Emerson, supported by Commissioner Sanders, that the **August 13, 2001** minutes be approved with the correction of Mr. Bruggink to Mrs. Bruggink. **Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Kinnunen moved, Emerson seconded, to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT: None

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Rezoning #118 – Text Amendment – Height Definition and Height Limits for Accessory Buildings

Bill Sanders stated that the Fire Department has reviewed all information and explained that in fighting fires, being able to get on and off roofs quickly is very important.

Doug Riley stated that a fifteen (15) foot height limit for accessory structures is more of the norm for other surrounding municipalities.

Emerson Moved, Kinnunen Second, that the Planning Commission recommend approval of Rezoning #118 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 101 DEFINITIONS and Section 300 (F) to amend the definition of HEIGHT and the allowable height of accessory buildings to read as follows:

Section 101 – Definitions

HEIGHT, means the vertical distance between the average ground level of the grade within 10 feet of where the structure elements intersect the ground and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building, unless specifically provided elsewhere in this ordinance, and provided that two access points to the roofline less than 25 feet in height are shown.

Section 300 (F)

F. No detached accessory building shall exceed fifteen (15) feet in height nor exceed the exterior perimeter dimensions of the principal structure on the lot.

Motion carried unanimously.

B. Brower Property Parking Lot Site Plan

Doug Riley gave a brief history of the property and the discussions the Recreation Subcommittee has had regarding the property. Lee Snooks has been in contact with a teacher who is very desirous of utilizing the property for an environmental/forestry class. They would be involved in actively managing the property. The first step is to develop a parking lot to get cars off the road. The recreation sub-committee recommended the parking lot. This area planned for the parking lot was an existing log landing, and should not need a culvert.

Estelle DeVooght was concerned this will turn into a kids' hangout and she asked if the area will be used by high school or college students?

Scott Emerson suggested we put signs up stating when the property is open for use, post certain hours maybe dawn to dusk. That way if the police go by other than these hours and there are cars parked there, they will know to check closer. But, no matter how close they monitor the area, the police cannot stop all parties.

Scott Emerson questioned the lighting. But if the park is open during daylight hours only there would not be a need for lighting.

Mike LaPointe stated that signing of the area would be a good area.

Scott Emerson suggested that we recognize Mr. Browers. Possibly we could name the site after him.

Doug Riley said that is something that needs to be addressed in the near future.

Scott Emerson suggested that we let Mr. Browers name it.

Bill Sanders said we need to at least have a plaque stating that it was donated by him.

Tom Shaw said that knowing Mr. Browers, he would not name it after himself.

Bill Sanders suggested that the Planning Commission ask Mr. Browers what he would like.

Estelle DeVooght said he may want to add his wife's name to it.

Scott Emerson suggested the signs give the hours, who donated it, the purpose of the park, and also have a trail map.

Doug Riley stated it already has some existing trails, one begins at the log landing. Some trails need to be re-routed. The trail map needs to be reviewed in the future by the Planning Commission as it requires conditional use approval.

Scott Emerson said we should consult an expert for planning the trails. This possibly could be someone from North Country Trails, and they may want to make it part of their trail system.

Steve Kinnunen said some trails he has seen in Minnesota and Wisconsin have benches for people to rest and plaques nearby with information about the area.

Bill Sanders stated that the first step would be the parking lot, and then go on from that point.

Doug Riley said that students would be involved and maybe they could do some brainstorming.

Scott Emerson said they could work on improving the ecological features of the property.

Lee Blondeau asked if the property had been surveyed?

Doug Riley answered no, but the boundaries had been relatively well marked.

Scott Emerson stated that the property had many different forest types included, which makes it great for educating students.

LaPointe Moved, Tabor Second, to approve the site plan for the construction of a parking lot on the Brower property and recommend that the Township Board authorize the necessary expenditure of funds to construct this parking lot.

Motion carried unanimously.

C. Street Light Replacements – Phasing Plan

Doug Riley indicated that \$5,000 had been included in the 2002 proposed budget for the first phase of the street light replacements. Doug Riley stated that about 23/24 lights could be replaced in the first phase.

Bill Sanders questioned where the Alger/Delta line was?

Doug Riley stated it really didn't matter because both have indicated their willingness to work with us. He showed everyone a map showing the existing streetlights and the Board of Light and Power versus the Alger/Delta lights.

Scott Emerson asked the price of the new lights. He paid \$125.00 per light for his.

Doug Riley stated it was \$205.00, that maybe the difference was because it was a street light.

Ken Tabor stated that he had been through Munising recently and noticed the lights there like the ones we are planning. He said they did not glare and made driving easier and safer.

Scott Emerson agreed that they do not put off a glare even to a person who wears glasses. It made a big difference star gazing. He had made a color-coded map showing the phases of replacement that could be used. He suggests that the village of Harvey, including the commercial section along US 41, be completed first.

Bill Sanders thought it would be cost effective if we kept the areas of light replacement in each phase as close together as possible.

Scott Emerson stated that some are far apart, but we should try to keep them as close together in each phase as possible.

Tom Shaw thought they may be cheaper as we go along.

Scott Emerson stated the first phase should be in the business district where it is most densely populated. There could be four phases in all.

The group discussed the phase areas and reviewed the two maps.

Ken Tabor agreed that the most concentrated population areas should be done first.

VIII. Sub-Committee Reports

A. Recreation Sub-Committee

Ken Tabor reported that they discussed prioritizing properties and plans.

Doug Riley stated that the Beaver Grove Grant plan was approved by the DNR.

B. Ordinance Amendment Sub-Committee

Doug Riley said they should set a date for the meeting.

After discussion they planned to meet at noon on Thursday, September 20, 2001 at the Township Hall.

IX. PLANNING DIRECTOR'S REPORT

Doug Riley reported on the Dune Protection Overlay District. He showed pictures of a home along M-28 that had totally removed the dune since there were no regulations in place yet, and how this may affect the neighbors.

Mike LaPointe said it is already affecting the neighbors. They may be violation with soil erosion.

Estelle DeVooght asked if any other authority could do anything?

Doug Riley stated that it is not a wetland issue so it is unregulated.

Ken Tabor said it goes to show that not all residents are good stewards of the dunes.

Scott Emerson agreed and said that is why we need regulations. He hoped they had plans to re-vegetate the dune quickly.

Doug Riley then reported about the rock cut and potential public acquisition. He stated that Ivan Fende asked Lee Snooks to work with the Land Conservancy on this project.

US 41 corridor aerial pictures have been taken and the pictures really look good. The quality is great. The meeting with Dave Gillis regarding the corridor plan was productive, but it will be a slow process since there are so many municipalities involved.

Doug Riley reported that the local golf courses have not complied with well monitoring. He suggests writing a letter to golf course owners asking them to comply with water testing otherwise their options would be to go to court or request amending their Conditional Use Permits. Doug Riley requested the letter be authorized. This testing of water samples is not uncommon.

The Commissioners discussed the issue and requested that a letter be sent from the Planning Commission.

Doug stated that he would write a letter for Bill Sanders to review.

X. Public Comment:

None.

XI. Commissioner Comments:

Tom Shaw questioned the state of the County and Township website.

Doug Riley reported that the County CIS was still not completely operational. He would like to refocus on our Township website again. It needs to be updated.

Tom Shaw said the Community Center Committee would like to see a useable website to be able to disseminate information.

Tom Shaw stated that his daughter is very interested in working with websites and would like to work with the Township.

Doug Riley mentioned the Public Forum scheduled at the Lakeview Arena on Tuesday, September 18, 2001 at 7:00 PM. They will discuss land use and what people want for the Marquette area community.

XII. ADJOURNMENT

The meeting was adjourned at 8:35 PM

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
October 8, 2001

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

ABSENT: Tom Shaw and Scott Emerson.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Director of Recreation and Grants, Cathy Phelps, Recording Secretary, Mary Lou Shimon, Fred Warren, Frank and Madeleine Zimmerman, Sally and Phil May, and Kathy LaJeunesse.

I. PUBLIC HEARING

Rezoning #119 – Mary Lou Shimon – RP (Resource Production) to RR-2 (Rural Residential)

Chairman Bill Sanders called the Public Hearing to order at 7:35 PM.

Frank Zimmerman spoke in support of request.

Doug Riley read correspondence from Rosten's, 460 S. Big Creek Road, having no objection.

Fred Warren, 140 Shimon Court, also speaking for Audrey, his wife, they have no objection.

Public Hearing closed at 7:40 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:40 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated September 10, 2001 were presented for approval.

Moved by DeVooght, supported by Sanders, that the September 10, 2001 minutes be approved. **Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Kinnunen made a motion to move VIII. New Business - A. Rezoning #119 before VII. Old Business.

Kinnunen moved, Sanders seconded, to approve the changes on the agenda. **Motion carried unanimously.**

V. PUBLIC COMMENT: None

VI. NEW BUSINESS:

A. Consider - Rezoning #119 – Mary Lou Shimon – RP (Resource Production) to RR-2 (Rural Residential)

Riley explained Rezoning #119 and displayed a zoning map.

Sanders explained that Mrs. Shimon has a 40-acre parcel and would like it rezoned which would allow eight-five acre parcels and have the road extended across to access all parcels.

Shimon questioned the front area being rezoned RR-2 , and the amount needed to create a road between the two garages located at the end of Shimon Court.

Riley explained the size of the right of way needed for a public road or a private road under our zoning ordinance standards.

Sanders said there was a similar rezoning request in 1993 in this same general area, and it was denied.

LaPointe stated it would create a landlocked block of RP zoned property, and asked if she would consider rezoning only the western half? The eastern area is swamp and poor soils.

Shimon said the road would still have to go between the garages to even serve that portion.

Sanders noted that if it was rezoned, the road is still coming back as a problem and would require variances from the Zoning Board of Appeals.

Riley stated that 66' is needed between the two garages for a public road. Then both garages would be nonconforming, and variances for the setback would be needed. Mrs. Shimon could go to the Zoning Board of Appeals to ask for a variance for a narrower road. Mrs. Shimon could possibly eliminate her garage.

Shimon said her garage has been there since 1940, and both garages have been recently remodeled.

Sanders asked if any private roads were approved with less than 66'?

Riley answered no, they cannot be less than 66' if they are ever to be turned over to the County.

Shimon noted that there is no decent turn-around for the snowplows at this time.

Riley stated that they do turn around in the Shimon driveway.

Riley explained that the parcels would have to be 300' in width for RR-2 Zoning.

Sanders said presently there could only be 2 – 20 acre parcels and Mrs. Shimon only needs to put in a private driveway to serve the parcels as the RP district does not have a minimum frontage requirement.

Shimon explained that she wants to build a new home on 5 acres, and sell her house she lives in currently.

Shimon said she has measured the distance between the two garages and it is 76'.

Riley explained that from the right of way you need a 30' setback or 63' back from the center of the road for structures to be in compliance.

Sanders asked what about the surrounding neighborhood?

Kinnunen questioned the cost of moving the garage compared to the cost of the rezoning hardship. Could one garage be moved to make enough room for a new road?

Sanders said from the Zoning Board of Appeals standpoint, it is a self-created hardship.

DeVooght noted the RP does not require a certain amount of frontage if it is divided only twice. Mrs. Shimon could come back to rezone later.

Shimon noted that if she had to build back 20 acres, it would be too far for her.

Kinnunen suggested Mrs. Shimon to rezone the west half of her property and the east 20 acres remain zoned RP.

Riley stated new parcels zoned RR-2 have to have 300' of road frontage.

Warren suggested splitting the 40 acres into 2 – 20 acres. It could be split in any shape, and put in a private driveway. There would be no rezoning and she could have her home in the location she prefers.

Sanders stated that being on the Zoning Board of Appeals he is not comfortable with the request. The road would not be in compliance and neither of the garages would be in compliance if the road was constructed.

Shimon noted that the neighbor's garage was just a tool shed. She would never have built the garage there if she would have known the problems it could cause 34 years later.

Sanders asked what the reasons were for denial of the 1993 request?

Riley again showed the Comprehensive Plan map and explained the soil conditions.

Sanders stated that he is not in favor of the entire 40 acre parcel being zoned RR-2, split into 8 – 5 acre parcels, with a private road extended across the parcels, with an easement less than the usual 66', which could never be a County road, with two garages becoming nonconforming, and creating a spotzone. He thought maybe there could be a solution to this problem that was not presented at this meeting that would work.

Sanders moved and Kinnunen seconded that following the review of Rezoning request #119 and the Staff/File Review, the Planning Commission recommends denial of Rezoning #119 to the Township Board to rezone said property from RP to RR-2 for the following reasons:

- 1) It would create two non-conforming structures if Shimon Court were extended as required by the rezoning.
- 2) It would create a "spot zone" of 40 acres of RP land to the north.
- 3) There are significant soil constraints on the property.

Motion carried unanimously.

Riley explained to Mrs. Shimon that the Planning Commission decision goes to the County, the County reviews it and then it goes to the Township Board.

VI. OLD BUSINESS

A. Consider Rezoning # 117 – Text Amendment – Lake Superior Shoreline/Dune Protection Overlay District (Board's request for review/changes)

Tabor reported from the Board meeting that it was the consensus of the Board to have the Planning Commission evaluate adding the language suggested by Phil and Sally May and to look at establishing a requirement or formula for buffer yards.

LaPointe started the discussion stating he would recommend a 15' undisturbed buffer, and suggested a 3 to 1 slope. He said the Board wants a standard to work with that is fair to all residents.

Phil May wants all residents along Lake Superior to be able to enjoy the view of the lake. He preferred the 2 to 3 foot dune change on a 9 foot slope.

Riley stated that the Mays would be in compliance with the 3 to 1 requirement.

LaPointe stated the main reason for the dune protection was so no one could change a dune that would adversely affect the neighbor's property.

Kinnunen asked if property owners would have to replace vegetation once changing a dune?

LaPointe described different vegetation. He recommended one clump or culm of dune grass be planted for every square foot. Once the dune grass was in control then other vegetation could be planted, such as shrubs and trees.

Phil May questioned bringing in topsoil to the dune area. He also questioned using chemicals to grow vegetation on the dunes.

Phil May said he agreed we have to protect neighbors from others actions.

LaPointe said we need to set maximum cuts in dunes. He likes the 3 to 1. He understands the problem with specific formulas.

DeVooght understood why they want to lower the dune if it keeps building up and they cannot see the lake.

Sally May stated two issues: 1) the issue of taking sand completely off the property, and 2) just spreading the sand towards the house making the dune thicker. They did not take the sand away, they just spread it out.

Kinnunen said that currently there is no management, no rules for dune protection. He supports what was submitted to the Board. As it is now, the full dune can be cut with no vegetation restoration provisions.

Phil May suggested to scratch "over time" in the language.

Sanders wants to include the Mays' language and scratch "over time." He likes a 20' buffer and a 3 to 1 slope which limits the maximum depth of cut in relation to the lot size.

LaPointe agrees with the 3 to 1 and wider buffer zone.

Tabor agrees with addressing the ability for a resident to completely cut out their dune from one lot line to the other.

There was then discussion on the buffer area.

Kinnunen thought maybe 15 to 25 feet.

LaPointe supports 20 feet.

Sanders asked if the Board could change the setback amount?

Riley answered yes.

Sanders said the Planning Commission must be comfortable with the amount.

Sanders proposed that Riley incorporate language into the text and it will be reviewed by the Planning Commission at the next meeting.

VIII. NEW BUSINESS

B. Discuss - Potential Text Amendment – Home Occupation Language – Recommendation from Zoning Board of Appeals

Riley explained the recommended language from the Zoning Board of Appeals, the first sentence in #3 will be crossed off. "There shall be no outdoor storage or other exterior evidence of the conduct of the home occupation other than an approval sign which." #3 and #4 had conflicting language. At the next meeting in November, the text amendment will be formally discussed. All agreed to schedule a public hearing on this text change.

C. Discuss – Potential Text Amendment – Conditional Uses in LS/R District

Riley showed a map of the LS/R district and gave examples of conditional uses allowed (e.g. fish markets, marinas). Where no minimum acreage is required such as in the RP District.

Sanders said there is a flaw in the ordinance, and can be fixed with a simple change.

Tabor noted that 20 acres is a large area. A fish shop, for example, would not need that much area.

Sanders stated that this area is mostly residential anyway. The Planning Commission agreed to schedule a public hearing on this text change.

D. Consider – Kawbawgam Ski Trail – Second Trail Head/Parking Lot Construction

Riley gave a brief history of the ski trail area. The trailhead has been moved because of the close proximity to the railroad, and also because it crossed private property. Moving the ski trail to have it all on State Land is suggested. A new parking lot is necessary near the entrance to Lake LeVasseur where it is closer to the scenic trail area. Volunteers will be needed to help construct the parking lot.

Snooks reported that the grant money was no longer available.

Riley said the DPW could help with the development of the new parking lot, and it could be done in a few days with volunteers. This has been cleared by the DNR.

DeVooght questioned the distance from Lake LeVasseur to the Brower property.

Riley explained that it could not be connected. There was some very low, marshy areas and also private property between the two.

DeVooght motion, Sanders second to approve relocating the Kawbawgam Cross-Country Ski Trail and Parking Lot. Aye 5, Nay 0. Motion carried.

IX. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report

Snooks reported:

- 1) Brower property now has a parking lot, and the Marquette High School class has been out there working on clearing the trails.
- 2) Volunteers will be needed to construct the pavilion in the Beaver Grove Recreation Area.
- 3) The Community Center Committee has met twice, and they have about 20 plus members on the committee. They are working on senior, teen activities, a post office, reception area in the center, which includes the alcohol question, and if we should rent to nonprofit groups and what the fees may be. A survey needs to be developed. A calendar needs to be made to keep the committee on task since there is a short time limit to make recommendations to the Board. They meet once a month.
- 4) The Summer Youth Program evaluations have come in and were very positive.
- 5) A new community survey must be produced so the recreation committee knows what the community wants. We may be able to double that with the Community Center survey.

B. Ordinance Amendment Sub-Committee

Riley reported that a meeting will be scheduled in the near future regarding garage sizes and building garages prior to home construction.

X. PLANNING DIRECTOR'S REPORT

Riley reported:

- 1) The Board approved the budget. The Planning Commission will now be paid \$40.00 per diem.
- 2) The street light Phase 1 Plan was approved in the budget.
- 3) The Bike Path from Silver Creek School to the Cherry Creek School is partially completed. The section along US 41 is being surveyed by MDOT through the T-21 grant.
- 4) Dune Overlay District is bringing in people questioning what they need to do. Ms. Regis Walling wants to lower a dune along with some neighbors. She came into the Township office to coordinate plans and wants to do it right. The

educational aspect of the dune situation is greatly needed. There are no regulations in place at this time.

LaPointe stated that we do not want residents to be afraid to come in and ask questions.

XI. PUBLIC COMMENT. None

XII. COMMISSIONER COMMENT

Kinnunen noted that the dune overlay district is coming to a compromise with the Residents.

LaPointe said we need to get together an educational packet to hand out to people that are interested. What is happening with grants to help pay for the packets? Some communities already have this type of information. We could use some of their material until we have ours put together.

Riley said we should have something soon, we can make changes later.

XIV. ADJOURNMENT

Chair Sanders adjourned the meeting at 9:35 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
December 10, 2001

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Steve Kinnunen, Ken Tabor, Tom Shaw, Scott Emerson and Estelle DeVooght (arrived at 7:40).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Pam Sleeman, Don Britton, Denny Magadanz, Dave and Mindy Zorza, Dan Chartier, Bryn Sneddon, Tim Matulewicz, Pete LaRue, Bob LaJuenesse, Jr., Lee Blondeau, Phil and Sally May.

Chairman Bill Sanders called the meeting to order at 7:34 PM.

I. PUBLIC HEARINGS

REZONING #120 – TEXT AMENDMENT – HOME OCCUPATION LANGUAGE; LS/R CONDITIONAL USES LOT SIZES; AND SIGN ILLUMINATION/ELECTRONIC MESSAGE SIGNS

Doug Riley gave an overview of amendments. 1) Section 107 - Home Occupation. The Zoning Board of Appeals asked the Planning Commission to amend language regarding outdoor storage. 2) District LS/R – Conditional Uses. Regarding establishing a requirement for a 20-acre minimum for more intensive commercial uses allowed as conditional uses in this zoning district. 3) Section 810 – Sign Illumination.

Doug read correspondence from Dan Chartier representing CABA, and mentioned a letter included from Dan Landers from Cook Signs that was given to the commissioners.

Dan Landers from Cook Sign reported that message centers are the best advertising for the least expense. He expressed that Chocolay Township appears anti-business and anti-free speech for businesses. He spoke on the two reasons that the Township gave for not having message centers (aesthetics and safety).

Lee Blondeau questioned the original 1977 ordinance language.

Dan Chartier, from CABA, and Paper Party World, agrees with Dan Landers in the businesses being able to put up the message centers. He noted the Township is limiting the rights of businesses. Personally he thinks the Township should stop micro-managing businesses, and they should stop closing doors and restricting businesses.

Don Britton feels that the public perceives Harvey as anti-business and this sign amendment furthers this perception.

Pete Munson, Edward Jones, thinks the Township should take into consideration the illumination factor. When it is dark people cannot see some signs. The lights for his business shine upward. He believes limiting businesses is nonsense.

Pete LaRue stated that the wind blows off the static letters from signs now used by many businesses. They are obsolete. He feels the ordinance is twenty-five years old and is obsolete. The new community center should have a message center sign as described.

Dan Chartier mentioned that MDOT has a message center on the corner of US 41 and M-28 to inform drivers of M-28 road conditions. This certainly is not a safety problem. This is an effective way to communicate. Times are changing, and the Township must stay up-to-date.

Regarding the Home Occupation Amendment, Lee Blondeau wanted clarification of #3, regarding if equipment was included as a commercial vehicle. Thought it was wide open to interpretation, it needs to be more specific.

CONDITIONAL USE 57A

Doug Riley gave an overview regarding Conditional Use 57A – Amendment to Kawbawgam Cross Country Ski Trail. Two years ago the Kawbawgam Ski Trail was established. Recently people have been asking to have the trailhead moved. They notified all residents within 300 feet of the proposed site. There have been no objections. He read one letter from Karen Kay Smith.

Bill Sanders closed the Public Hearing at 8:15 PM.

II. REGULAR MEETING CALLED TO ORDER

Chairperson Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 8:15 PM.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated October 8, 2001 were presented for approval.

Moved by Mike LaPointe, supported by Scott Emerson, that the October 8, 2001 minutes be approved.

Motion carried unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved by Bill Sanders, supported by Steve Kinnunen to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT. None

VI. OLD BUSINESS

- A. Consider Rezoning # 117 – Text Amendment – Lake Superior Shoreline/Dune Protection Overlay District (Board’s request for review/changes – Review of changes).

Doug Riley reported that Carl Lindquist from the Watershed Partnership will work closely with the Township to prepare an educational brochure and a educational workshop this spring.

Phil May objects to having to replant dune grass. When he attempted to replant it, he thought it was an eyesore until the natural grass came in naturally. His neighbors did not plant dune grass and their natural grass came in just as nice. He thinks it is unnecessary and expensive.

Mike LaPointe noted that Phil May was the person who asked the Planning Commission to have something specific in the language.

Bill Sanders noted that it would have to be a requirement to replant something.

Steve Kinnunen stated that Joan Duncan from the DNR said it is necessary to replant the dune areas.

Steve Kinnunen noted in time of high water, erosion will be greatly increased without vegetation.

Bill Sanders said that natural growth will return to some point, but asked the Planning Commission if they feel they need to have in the ordinance specific replanting measures?

Mike LaPointe stated that each site is different, depending on size and etc.

Sally May suggested that if it does no damage to the neighbors, then why do residents have to replant. She did not feel it was fair for all to have to replant if it was not necessary in their site.

Tom Shaw noted that not all homeowners really care about the effects it has on neighbors, that’s why this overlay district is being put into place.

Bill Sanders said the Planning Commission is putting together a brochure to educate residents, stating how important dune protection is, and that we should not take this language out entirely.

Bill Sanders supports the second paragraph with the additional wording “or other methods approved by the Planning Commission to prevent wind erosion from impacting adjoining properties.”

Ken Tabor suggested we stay away from subjective areas in the language, as to not put the Township staff in the position to have to make the decision of the meaning of “other methods”.

Bill Sanders stated we must require residents to replace vegetation. They will now recommend to the Board to make a decision to adopt the language with the following highlighted addition:

A 20 foot undisturbed buffer strip shall remain in place on the dune along the property lines. Slopes for dune cuts shall not exceed 3 foot horizontal to 1 foot vertical. Altered dune areas shall be replanted with beach grass at a rate of 1 culm (clump) per 1 square foot of disturbed area **or other method approved by the Planning Commission to prevent wind erosion from impacting adjoining properties.**

Bill Sanders Moved, Scott Emerson Seconded that the Planning Commission recommend to the Township Board the approval for the Amended Language to the Lake Superior Shoreline/Dune Protection Overlay District with the additional new language in January.

Motion carried unanimously.

VII. NEW BUSINESS

A. REZONING #120 –TEXT AMENDMENTS – HOME OCCUPATION LANGUAGE; LS/R CONDITIONAL USES LOT SIZES; AND SIGN ILLUMINATION/ELECTRONIC MESSAGE SIGNS

Bill Sanders said there was a need to clarify the outdoor storage language. It will be allowed if screened but must be reviewed by the Zoning Board of Appeals, who reviews Home Occupation Permits.

Lee Blondeau commented on commercial vehicles. He wanted to have the word “equipment” clarified. The Planning Commission discussed this issue and believed the Zoning Board of Appeals will review “equipment” on a case by case basis.

Bill Sanders Moved, Estelle DeVooght Seconded, that the Planning Commission recommend approval of Rezoning #120 to the Township Board for the Text Amendment to Section 107 of the Zoning Ordinance #34 as drafted.

Motion passed unanimously.

Conditional Uses Lot Sizes

No discussion.

Ken Tabor Moved, Steve Kinnunen Seconded, that the Planning Commission recommend approval of Rezoning #120 for the Text Amendments to Section 206(A) as drafted.

Motion carried unanimously.

Sign Illumination

Estelle DeVooght stated that she was one who worked on the wording of the original sign ordinance. She voted against electronic signs, big flashing signs at that time, but now the signs are made much better. With the improvement of signs, she has less of an objection to the message center.

Scott Emerson noted that he is for down-lighting, and against flashing or fluttering lights. The new signs have improved through the years, and he has less objection to them now, but does not want to see the community saturated with them.

Bill Sanders mentioned that the Edward Jones sign would be grandfathered in. He feels the night sky is a natural resource of the U.P. Bill Sanders does not agree with Mr. Landers as to Chocoday Township being anti-business, not giving businesses free speech. He feels this is absolutely not the case. He gives three reasons he does not agree with having message centers. 1) aesthetics; 2) safety, and 3) the community as a whole does not want this type of signs as expressed in the Strategic Plan which was adopted in 1995.

Bill Sanders stated that he understands putting letters up on the present message boards is difficult in the winter with winds blowing away the letters. However, he does not want to see 30 word messages on a scrolling sign.

Pete LaRue reiterated that the new message centers do not have to have bright, flashing lights.

Ken Tabor voiced his opinion regarding limiting the types and sizes of message centers.

Pam Sleeman said she felt that the Township was very hard on new businesses.

Lee Blondeau echoed the feeling of not being welcome.

Scott Emerson gave a visual example of upward and downward lighting. Showing the glare from up lighting. He noted that the Township has budgeted to replace the cobra street lights within the next 5 years with modern fixtures.

Ken Tabor questioned the site length for reading these message centers.

Bill Sanders stated that the Township cannot limit the amount of signs, but if a number of businesses in the Township get them they will not be unique and people may not read them. At this time they are not allowed in the Township according to the current ordinance language.

Doug Riley stated that currently no permits would be given out for electronic signs. There is already an appeal filed with the Zoning Board of Appeals.

Scott Emerson noted that he would suggest that for now the text amendment should state that no lighting shall project upward toward the sky and that no

ground or bottom-mounted lighting is permitted. The message center should be a separate issue.

Bill Sanders wanted to know the number of message signs in the area.

Dan Landers said there were about 20 in the U.P., 2 in Marquette Township, and 4 in the City of Marquette.

Scott Emerson feels they cause a distraction phenomenon, and is concerned about the safety aspect. We cannot control the number of signs or who buys them if the ordinance is changed in Chocolay.

Dan Landers noted that the cost of the message center will limit the number of message centers in the Township.

Scott Emerson Moved, Bill Sanders Seconded, that the Planning Commission recommend approval of Rezoning #120 to the Township Board for the Text Amendment regarding Sign Illumination - Section 810 to address sign lighting only and to delete the last section pertaining to electronic message signs which will be further reviewed.

Motion passed unanimously.

Conditional Use 57A – Amendment to Kawbawgam Cross Country Ski Trail

Bill Sanders Moved, Steve Kinnunen Second, that after review of Conditional Use request #57A; the standards of Section 701 of the Township Zoning Ordinance; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #57.

Motion passed unanimously.

Consider Street Lights/Dusk to Dawn Lights

There was discussion regarding the changes the Township has been making on the lighting and the peripheral shielding on the old lights. The Planning Commission will ask the Board to support an ordinance on new lights or shielding old lights. Possibly insert something on the Building Permit and/or have a brochure to educate the residents.

VIII. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report

Mike LaPointe gave notice that he would like to step down from the Recreation Committee and is looking for someone to take his place or at least an alternate. Ken Tabor said that he would continue as a representative.

B. Ordinance Amendment Sub-Committee

Riley reported that a number of things that will be discussed at the next meeting; ham radio towers, garage and accessory building sizes and roof pitches.

IX. PLANNING DIRECTOR'S REPORT

Riley reported on the Green Bay Street property acquisition, the donated land for stream bank stabilization. He said the land report would be discussed at a lighter agenda meeting.

X. PUBLIC COMMENT.

Pete LaRue mentioned that he believes there is a perception that the Township is anti-business, and that the Township is hard to deal with. Maybe it is just a history problem.

Dan Chartier suggested the Township listens to what businesses needs are, and to become involved more with CABA. They need to share in each other's meetings.

Dan Landers said he knew the Township had a anti-business reputation, but after the meeting he is very encouraged. He thanked the Planning Commission for listening and for their time.

XI. COMMISSIONER COMMENT

Steve Kinnunen noted that it takes a long time for a township to make changes in policies. First discussions must take place, and wording on the language for changes must be agreed upon and then voting by the Board. The Board needs assistance and support from the community.

XI. ADJOURNMENT

Chair Sanders adjourned the meeting at 10:25 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary