

CHOCOLAY TOWNSHIP PLANNING COMMISSION
January 14, 2002

PRESENT: **Commissioners:** Bill Sanders, Mike LaPointe, Steve Kinnunen, Ken Tabor, Tom Shaw, Estelle DeVooght and Scott Emerson (arrived at 7:33).

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Cathy Phelps, Recording Secretary, Lee Snooks, Director of Recreation and Grants, Fred Warren, Mary Lou Shimon, Jeff Hendrickson, Madeline and Frank Zimmerman, and Bob LaJuenesse, Jr.

Chairman Bill Sanders called the meeting to order at 7:30 PM.

I. PUBLIC HEARINGS - None

II. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated December 10, 2002 were presented for approval. Bill Sanders would like a correction made to the sentence regarding Don Britton's statement under REZONING #120. (6th line)

Moved by Mike LaPointe, supported by Ken Tabor, that the December 10, 2001 minutes be approved with correction.

Motion carried unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved by Steve Kinnunen, supported by Tom Shaw to approve the agenda as presented.

Motion carried unanimously.

V. PUBLIC COMMENT. None

VI. OLD BUSINESS

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

Doug Riley reviewed information regarding Rezoning #119. He stated the three reasons the Planning Commission gave Mary Lou Shimon for denial regarding her first rezoning application. He explained how the amended request to rezone only the west half of the property has addressed the three points of denial.

Mary Lou Shimon explained the changes she has made on her application. She noted that all of her neighbors were at this meeting to support her rezoning application.

Planning Commissioners discussed the revised application. Mike LaPointe stated that there are no reasons to deny the request, as Mary Lou Shimon has covered in her revised application the three reasons they denied the first request.

Steve Kinnunen made a motion, Mike LaPointe Seconded that following the review of Rezoning request #119 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #119, as amended, to the Township Board to rezone said property from RP to RR-2.

Motion carried unanimously

Doug Riley stated that it will now go to the Board.

VII. NEW BUSINESS

Discuss the People and Land Report

Doug Riley stated that the reports can be picked up at the Township Hall. He said there are some great ideas in the report. It has some suggestions that we are not doing at this time, and has many ideas that the Township is working on or have completed, which are the following: 1) lighting; 2) cell tower ordinance; 3) US 41 Corridor Planning. There will be a meeting for US 41 Corridor Planning on February 4, 2002 for the area Townships and the City of Marquette. The meeting will be at the Lakeview Arena at 7:00 PM. He thinks Chocolay Township should feel proud on the work they have been doing. This report will be a good reference for the Township in the future.

Bill Sanders said we should revisit this report as we go on.

Steve Kinnunen says it reflects Chocolay's Strategic Plan.

Estelle DeVooght stated she would have liked to see more on Chocolay's historical sites/value in the report.

Scott Emerson noted that there is a lack of coordination from all townships. We need consistent planning, and more joint meetings.

Doug Riley stated that the joint meeting on February 4th is the start of working together on things such as traffic planning and infrastructure. All government units must work together.

Scott Emerson noted we need a common denominator to work with planning for a aesthetically pleasing commercial zone and landscaping ordinance. We have to have a high standard with landscaping.

Bill Sanders agreed with Emerson that landscaping and sprawl control are very important. He thinks the report should be circulated in the Township and to CABA members, along with all business owners.

Scott Emerson suggested that Chocolay Township find another township or city that has a similar "nature concept" on planning, and get information from them, and testimonies on how it has improved their area. We have a beautiful natural setting in Chocolay, we need to make the most of it.

Mike LaPointe made mention that there are no business owners at the meetings he goes to. It is important that they be informed.

Scott Emerson suggested that the Planning Commission make a presentation to all businesses in the area, possibly at a CABA meeting. Tourism is our major industry, we must make the best use of what we have.

Lee Snooks updated the Planning Commission on a grant application he is submitting regarding coastal restoration for the second turnout along M-28. If we get the grant, it will help to fill the gullies, replant vegetation on the dune, building fencing, steps and decking like the first turnout. We want people to stop there and enjoy the view.

Mike LaPointe made note of the section "Land Conservancy Component". He questioned the rock cut area, Willow Farm, and the open space bill regarding cluster zoning. He believes in preserving the open, green spaces, and feels that we should get more information about the organization.

Scott Emerson reminded everyone of the February 4th meeting, and how important it was to attend.

Doug Riley noted that the agenda was not yet formalized, but there was going to be a presentation for the three areas invited to the meeting.

Bill Sanders asked Doug Riley if he would contact the conservancy group and find out more regarding the presentation. They possibly could help get a presentation together for a CABA meeting.

VIII. SUB-COMMITTEE REPORTS

A. Recreation-Subcommittee Report - None

B. Ordinance Amendment Sub-Committee

Bill Sanders noted that the Sub-Committee reviewed garage heights, size limits on garages, and garage construction prior to a residence. The Sub-Committee reviewed this and believes that on height issues variances are the way to go instead of amending the ordinances.

Scott Emerson noted that amateur radio tower/antennas need to be studied closer. He feels that technology needs to be looked at. If smaller antennas are available, they should be recommended instead of high antennas.

Bill Sanders addressed the electronic message signs issue by saying that the Township does not allow these signs and determined that "static" electronic signs, however, would be allowed under our ordinance.

IX. PLANNING DIRECTOR'S REPORT

Doug Riley recommended all Commissioners and Board members to attend the Corridor Management Team presentation on February 4, 2002 at 7:00 PM at the Lakeview Arena.

Scott Emerson feels all should go to this presentation, and we should get on the agenda, if possible, to give a short presentation with a select issues to discuss. (Examples: curb/drainage, lighting, landscaping, parks, boulevard)

Due to the Corridor Management Presentation the next meeting, scheduled on February 11th, 2002, could be possibly canceled at this time, unless someone files an application 6 days prior to that date.

X. PUBLIC COMMENT. None

XI. COMMISSIONER COMMENT.

Discussion regarding the commercial area near ABC True Value ensued. The problem of a movie shop at the corner of Van Epps would cause a traffic problem. An access road behind the businesses for safety reasons was discussed as being a possibility. Possible installation of traffic lights would slow traffic in that area. Enforcing the already set speed limit would be helpful.

XII. ADJOURNMENT

Chair Sanders adjourned the meeting at 9:05 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
March 11, 2002

PRESENT: **Commissioners:** Mike LaPointe, Ken Tabor, Tom Shaw, Estelle DeVooght and Scott Emerson.

ABSENT: William Sanders and Steve Kinnunen.

OTHERS: Doug Riley, Director of Planning & Research, Denny Magadan, Supervisor DPW, and Cathy Phelps, Recording Secretary.

Acting Chairman, Mike LaPointe, called the Public Hearing to order at 7:37 PM. after waiting a short time for enough commissioners to arrive to have a quorum.

I. PUBLIC HEARINGS

Conditional Use #63 – Chocolay Township – Park – Fishing Access Site on Green Bay Street – Erosion Control Project

Mike LaPointe noted that he was involved in the planning of the Fishing Access Site so he will not vote on this issue.

A Conditional Use approval by the Planning Commission is needed to go forward with this project along with this public hearing. Doug Riley published a public notice in the paper and wrote letters to neighboring residents with no responses up to now.

Jude Emerson of 119 Lakewood Lane noted that the grant was to stabilize the area. She asked if the parking area needs to be part of the grant? She noted that the parking of cars causes more erosion.

Carl Lindquist, from the Central Lake Superior Watershed Partnership, stated that the parking of cars in that area would cause erosion, but also noted that there would be a limited number of vehicles parking there (2 or 3). He thought that having a designated parking area would cause less erosion than the way residents now parked. He stated that it would be no problem with leaving out the parking plans and just working on the fencing and stairs.

Doug Riley noted that the Road Commission recommended a parking area away from the intersection where people park at this time.

Bill Kessel asked why the parking isn't moved along Lakewood Lane? He noted that there are approximately 200 vehicles traveling through this area from 8:00 to 9:30 A.M. and 4:00 to 5:30 P.M.

John Sandin of 146 Lakewood Lane stated that the speed limit on Lakewood Lane is not enforced. He suggests that speed bumps be installed. He feels there has been erosion on his property. He feels that a parking lot would be an eyesore in that area. He thinks the people using this fishing site should park at the marina. He complained about the garbage left behind from people using this area.

Robyn Sandin of 146 Lakewood Lane asked if hauling in fill dirt for a parking lot would not also go into the river and cause problems? Doug Riley explained that no fill was proposed, only gravel. He noted that the gravel would actually help stabilize the site. He said there is plenty of room.

Jude Emerson asked if trees would be removed from the site? Mike LaPointe answered the question in saying that topsoil would be brought in to stabilize the bank and they would use indigenous species, which would enhance the already existing trees. No existing trees would be removed.

Discussion of the parking lot continued. Ken Tabor asked how many vehicles would fit in the planned parking lot? The answer was 2 or 3 at most. Parallel parking was planned to get the vehicles safely off the street. Scott Emerson stated if a parking lot is constructed, it would bring more people to the area and increase traffic even more.

Robyn Sandin suggested that two stairs be build, one on each side and then a have a boardwalk trail connecting the two.

Pete LaRue asked what the goal of the grant project was, if it was to stabilize the area or to improve the park? Mike LaPointe answered by saying it was to stabilize the riverbank.

Scott Emerson noted that the stairs were the key to stabilizing the riverbank, which is eroding badly.

Robyn Sandin said continuing the fencing which is there was also a key to keeping people off the riverbank.

Mike LaPointe thanked everyone for the good input. He then closed the Public Hearing at 8:12.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 8:12 P.M.
He noted that William Sanders and Steve Kinnunen were absent.

III. APPROVAL OF THE MEETING MINUTES

The minutes of the regular meeting of the Chocolay Township Planning Commission dated January 14, 2002 were presented for approval.

Moved by Scott Emerson, supported by Estelle DeVooght, approving minutes of January 14, 2002. **Aye 5, Nay 0. Motion carried unanimously.**

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson wanted to add to New Business - Dr. John Sandin was having a problem with the snowmobilers and their maps.

Moved to accept addition to agenda by Ken Tabor, supported by Tom Shaw.

Aye 5, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

Robyn Sandin said snowmobilers have stopped her on her property asking for directions. She said they get lost coming from the trail near Prince of Peace Church. Some have maps that show a trail in that area. She noted that there are maps out there with incorrect information on them. She also noted that better signage needs to be posted near the Prince of Peach Church.

Mike LaPointe said they could discuss this issue during New Business.

VI. PRESENTATION BY THE CENTRAL LAKE SUPERIOR LAND CONSERVANCY

Three members of the conservancy were in attendance, Matt Sayles, Carl Lindquist, and Ron Sundell. They gave out two brochures, and stated that they were a non-profit group to help further environmental sustainability in the Central Upper Peninsula through the promotion of conservation-based land use and ownership. He explained the current projects and land donations they have at this time. He said they are not there to make money, but to protect land.

VII. OLD BUSINESS

REZONING #117 - LAKE SUPERIOR SHORELINE/DUNE PROTECTION OVERLAY DISTRICT – RECOMMENDATION TO BOARD ON VEGETATION SECTION.

Doug Riley gave the background on this issue. At the February 18, 2002 Board Meeting the Township Board tabled the adoption of the Overlay District at the request of Phil and Sally May. This was done to “allow the Board time to consider wording on including/excluding trees in Section B and including natural revegetation in Section C.”

Mike LaPointe noted that trees are a critical stabilizer of a dune. The Commissioners, in discussing this issue, agreed tree root systems are important and by pruning branches that the vision of the lake may be enhanced without removal of the whole tree. They also felt that they do not want to compromise any further regarding the revegetation. They felt that options were already in the language. They want to leave it as is.

Doug Riley will prepare a letter from the Planning Commission to the Board on this issue. Mike LaPointe again made the point that trees are important in stabilizing a dune, they can be pruned without removing them.

VIII. NEW BUSINESS

A. CONDITIONAL USE #63 – PARK –FISHING ACCESS SITE ON GREEN BAY STREET – EROSION CONTROL PROJECT

Estelle DeVooght and Tom Shaw agreed that there is too much traffic on Green Bay Street to install a parking lot. They felt it would only cause more problems. Parking along Lakewood Lane seems to be better. They agreed that signs are needed, and that stairs are crucial to stabilize the riverbank.

Mike LaPointe said they could approve the project and leave out the parallel parking area.

Scott Emerson noted the garbage problem. He wanted to know if the Township would maintain the clean up of this area? Doug Riley said yes, we would be maintaining this site now that it is under Township ownership and we can look at organizing a clean up. Emerson suggests tabling the parking lot until a later date when possibly the Township could purchase the Ameritech tract of land. He does not want to miss out on the opportunity of the grant. Carl Lindquist explained that they could leave out the parking lot and perhaps add an extra stairwell and trail along the river's edge and still stabilize the riverbank. Scott Emerson noted that some vehicles do get stuck in the sand when parking. Carl Lindquist stated that they could move the fence closer to the road so they cannot park there. Lindquist suggested more "no parking" signs.

Tom Shaw Moved, Ken Tabor Second, that after review of Conditional Use request #63; the standards of Section 701; 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 #63 with the following conditions:

- 1) That a permit be obtained from the Marquette County Road Commission for all work within the road right-of-way.
- 2) That all signage be placed in accordance with the requirements of the Marquette County Road Commission.
- 3) That a zoning compliance permit be obtained from the Township Zoning Administrator.
- 4) That the parallel parking lot not be included in the project at this time.

Aye 4, Nay 0. Mike LaPointe abstaining from voting. Motion passed.

B. CHOCOLAY RIVER WATERSHED COUNCIL – REQUEST FOR AREAS OF CONCERN.

Doug Riley gave the Commissioners a copy of the current Plan's designated areas of concern in Chocolay Township to review.

Carl Lindquist said they have been doing inventory work on problem sites. He wants the Commissioners to let him know if there are areas adjacent to water that should be identified that are not listed on the sheets given to the Commissioners.

C. SNOWMOBILE MAPS IN ERROR

Scott Emerson stated that some snowmobile maps show the Ameritech right-of-way as a snowmobile route. Ameritech has not granted easement for any access on their right-of-way, and these maps are in error.

Doug Riley noted that three to five years ago there were some maps printed that showed this area as a snowmobile route, that maybe these maps were still in existence. He thought they may show a proposed or future route and people are misreading it. He stated that Ameritech will not let us enforce trespassing, but our police department may be able to help monitor this problem.

Tom Shaw suggested we get more signs near Prince of Peace Church to direct snowmobilers. He noted that there are snowmobile tracks everywhere from local riders, and it confuses the out-of-town snowmobilers and they get lost. Doug Riley noted that some residents want no signs for snowmobilers.

IX. SUB-COMMITTEE REPORTS

Doug Riley informed the Commissioners that the “contractor yard” issue is still tabled. The Zoning Board of Appeals is meeting March 28th. The court case regarding the Zoning Board of Appeals was adjourned until **March 22, 2002**.

X. PLANNING DIRECTOR’S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley gave an update on the following:

- 1) Community Center Zoning – future meeting
- 2) Rezoning #119 and #120 approved by Board on 1st reading.
- 3) ABC Hardware – Mark Maki met with owners pertaining to the site plan.
- 4) Van Epps/US 41 Corner – new buyer advised of zoning and access issues.
- 5) US 41 Corridor Plan Workshop – April meeting.
- 6) Message signs – Planning Commission agreed a letter should be sent to Cook Signs.
- 7) Street light replacement – Denny Magadanz gave update.

XII. COMMISSIONERS COMMENT

None.

XIII. ADJOURNMENT

Mike LaPointe adjourned the meeting at 9:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
April 8, 2002

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

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

Bill Sanders called the Public Hearing to order at 7:30 PM.

I. PUBLIC HEARINGS

Conditional Use #64 – Fraco, Inc. – Construction of Office/Showroom Addition

Terry Bengry and Pete Frazier from Fraco, Inc. said they would answer questions when needed.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:33 P.M.

III. APPROVAL OF THE MEETING MINUTES

The Minutes of the regular meeting of the Chocolay Township Planning Commission dated March 11, 2002 were presented for approval.

Moved by Ken Tabor, supported by Estelle DeVooght, approving minutes of January 14, 2002. **Aye 6, Nay 0. Motion carried unanimously.** (Scott Emerson was entering the room at this time.)

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved to accept agenda by Bill Sanders, supported by Steve Kinnunen.
Aye 7, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

None

VI. NEW BUSINESS

A. CONSIDER – CONDITIONAL USE #64 –FRACO, INC. CONSTRUCTION OF OFFICE/SHOWROOM ADDITION

Doug Riley gave a brief explanation of the addition of showroom/office. He noted that the parking needs have already been met, and the buffer areas were not impacted. Additional landscaping is planned. Riley noted he had received no responses to letters he sent out or the ad in the Mining Journal. He noted Mark Maki's letter regarding the encroachment. He said this issue would be worked through and noted that it was not a major violation.

Pete Frazier mentioned that no trees would be cut down for this addition. It will be built where the grassy area is near the existing building. He noted that his sister owns the land that abuts to his land, and some of the items there belong to her. He said the materials in the buffer zone are loose storage, and it will be no problem to move.

Don Britton questioned the conditional use of the property regarding Mark Maki's letter.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #64; 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 #64 with the following conditions:

- 1) That the conditions of operations from the previous Conditional Use Approvals remain in place.
- 2) That the applicant obtain a zoning compliance permit from the Township Zoning Administration.

Aye 7, Nay 0. Motion carried unanimously.

Pete Frazier, FRACO, questioned if he could proceed with this project, and deal with Mark Maki's letter later?

Bill Sanders said yes, but a zoning compliance permit has to be completed through Mark Maki.

Doug Riley noted that the new addition was in full compliance.

Scott Emerson suggested the Planning Commission put in writing that the 70 foot border can be handled administratively. All agreed.

B. WORKSHOP – US 41 CORRIDOR/ACCESS MANAGEMENT PLAN

Doug Riley explained that this is a follow-up after the Marquette City meeting. We will take a close look at our section of the corridor. Asked what the Planning Commission envisions for US 41 through Harvey? There are two areas they are working on: 1) inclusion – all corridor plan from M28 to M95; and 2) Our own use.

Riley said the commissioners should look at all options and make decisions on what to focus on. It is time to put plans on paper and begin to formalize this at future meetings. He has invited Greg Zybur, Chocolay Township Police Chief, to answer questions regarding problem areas.

Dave Gillis, CUPPAD, showed computerized areas throughout the Township along the corridor. Starting from the northern area, the rock cut, and moving through to the US 41/M-28 intersection.

Estelle DeVooght asked if MDOT and the County Road Commission will listen to our requests? She noted that the Commission tried before, but they didn't listen.

Doug Riley stated that there is never a guarantee, but the key is to review procedures now and to have a plan in place. We need to be ready for this opportunity.

Scott Emerson mention Bill #4022, and he felt that local police and community governments should have say in the speed limits. He thought maybe this bill would be brought up again in the future.

Dave Gillis, CUPPAD, has given maps to Doug Riley for the Township's use. He stated that the nine areas of government in this corridor need to generate a common language regarding land division, policies, and zoning. He felt an overlay zone for the corridor should be created. There were two things he felt these governmental areas should have organized:

- 1) Investment. A strategic plan for changes in the next fifteen years; and changes to be made from M-28 to M-95;
- 2) Implement Plans. Accident data (car/deer accidents and turning movements); Traffic volume (amounts on certain roads);
- 3) Soil Types;
- 4) Erosion Hazards;
- 5) Land use;
- 6) Geology;
- 7) Zoning;
- 8) Commercial areas, etc.

Doug Riley has all this information

Scott Emerson asked Greg Zyburt where the greatest accident areas are in Chocolay?

Greg Zyburt felt the hot spot was near the rock cut for winter accidents. Cars going too fast go out of control on the ice/snowy conditions. He mentioned that some accidents are caused because the drivers are looking out over the lake (Superior).

Mike LaPointe stated that having a boulevard in that area would cut down on two car accidents. Noting that a one-vehicle accident is better than two vehicles.

Scott Emerson stated that he thought the speed limit was too fast. He would like to see a limit of 35 mph through Harvey. He does not feel that is unreasonable. Then past the rock cut it could go back to 55 mph. He asked how much influence the commission has?

Doug Riley answered very little.

Pete Frazier noted that people while driving do not generally look at signs. There are so many and similar that they do not notice them. In Florida they have bright orange speed signs. Maybe here we could have big signs with red flags attached to them for people to comply with the local speed limit.

Bill Sanders said that a landscaped corridor/boulevard might slow the traffic.

Greg Zyburt noted that many tickets have been given to speeders through Chocolay Township, and said the drivers say they did not see the speed sign.

Tom Shaw said the area through Harvey was a short distance and people don't realize they have to slow down. He also mentioned that a narrower boulevard may be a problem with snow drifting. It would fill up faster than the wide 5 lane now there.

Scott Emerson noted the area west of the rock cut is an undeveloped commercial area with a short site distance along US 41. It would be hard to re-zone due to poor zoning designation in the past. If we had a access road from the south going behind the businesses.

Doug Riley said the existing curbcut is in a bad spot, and should be eliminated.

Tom Shaw mentioned the highway was built originally in 1876. He asked if access to an undeveloped area can be legally removed?

Adrian Stroupe, from MDOT, said if it is reasonable it can be removed when a major project is being done.

Dave Gillis, CUPPAD, noted that this whole area is troublesome as far as access management factors. The site plan must be looked at closely and reviewed.

Doug Riley stated the businesses could coordinate a curbcut location.

Mike LaPointe said the landowner has a right to have a curbcut, but MDOT decides the access point.

Scott Emerson noted that we must review this carefully to protect the public.

Adrian Stroupe noted that if it deemed unsafe, MDOT will check it and change it if necessary.

Doug Riley stated that the area near the rock cut was being offered to the state for a swap or trade for some Marquette City property (prison property) also near the rock cut. At this time he does not know where the issue stands.

Adrian Stroupe said that sounds like a good idea, but Chocolate would be losing that area that could be zoned commercial. The problem is that we would be losing tax revenue.

Scott Emerson noted that the Township could rezone other areas for commercial that would be in a better location.

Tom spoke of the area near Van Epps and Main Street. He mentioned the idea of checking on the possibility of purchasing Cliff Johnson's home and align Van Epps and Main Street for a safer area.

Bill Sander again mentioned designing a frontage road for the business in this area. He said we should not lose the opportunity to fix Van Epps.

Steve Kinnunen stated that the intersection of M-28/US-41/ and Cherry Creek Road was a problem with a bad bump going across 41 from 28 to Cherry Creek. He said we should summarize our suggestions to the corridor management team.

Estelle DeVooght suggested we talk to Cliff Johnson as soon as possible.

Doug Riley suggested we open a road behind the business along US 41 near Van Epps having one access to the highway. This project all comes down to cost.

Tom Shaw stated that this was a good investment for the community, as far as the public safety aspect and more business opportunity in that area.

Ken Tabor noted that Township money was tight right now with the other projects they are working on.

Dave Gillis mentioned there might be some incentive packages from the state on highway safety benefits. The corridor management team likes to see the local areas prioritize their needs; although they may not take the top priorities first. The needs change, and safety issues come into consideration. He suggests being creative.

Bill Sanders thought the rock cut, to Van Epps business area was a critical problem area now.

Doug Riley mention a resurfacing in the future plans. He thought if we could eliminate some of the curbcuts at that time, and combine some of the business access curbcuts that are very near each other. Example is Bayshore and the dentist office. Pot holes in the access sites are also a critical problem, and asked if they could be taken care of while the resurfacing was being done?

Adrian Stroupe said they do fill just a little past the hinge point, which is about 5 feet or so. He said they cannot do everything, but suggests to put the plans down on paper and list the critical areas first. Work on them when the opportunity comes around. He suggests less access sites along US 41 and more plantings.

Scott Emerson suggests incorporating access sites and putting in power lines underground at the same time.

Tom Shaw noted that in heavy rains the area in front of the Township Hall is a pond.

Greg Zyburt stated that many drivers lose control in the deep water. He knows of two fatalities because of the bad drainage in that area.

Scott Emerson stated that a boulevard in those areas would be helpful.

Adrian Stroupe agreed.

Steve Kinnunen noted that if a large/long semi comes from Cherry Creek turning north they have a problem. It is too narrow for them. The turn lane needs to be

widened. Could we put in a turn lane when the same time they resurface that area?

Adrian Stroupe explained the statewide road width policy.

Bill Sanders said we have to balance cost with benefits. The boulevard has twice the curbing but less pavement area. It would help with snow removal.

Scott Emerson said the plantings along the boulevard would also reduce traffic noise.

Adrian Stroupe said to get all the ideas on paper and give a copy to Andy Sikkema. He said to include all future road improvements, all access areas, resurfacing, and mention filling to potholes in access areas also.

Steve Kinnunen noted that all through the corridor of Columbus, Ohio they have traffic warning system. They have warning lights a certain distance from the actual traffic light that informs the driver of light changes. This system helps in keeping traffic moving smoothly, and there are no last minute braking problems at the intersections. He said there are yellow flashing warning lights when the lights change. He noted that stoplights are the greatest creator of accidents. A couple other areas in Southfield, MI and in Canada were also mentioned having a warning system.

Adrian Stroupe noted that when you have a boulevard, less lights are needed to control traffic.

Scott Emerson suggested a Planning Commission meeting to cover just this issue.

Doug Riley said they will format first, then review and make a recommendation to the Board.

Doug explained the traffic/parking problem near Walt's Auto and Drizzels.

Adrain Stroupe explained that if there are less access points, insurance rates are better and you are more inviting to businesses.

Doug explained the area near First of Negaunee Bank/Citgo/Pete LaRue's building. He thought we should eliminate at least one access road to those areas. Maybe consolidation of some of these access roads could be done. He also explained the Silver Creek/Corning Street area, noting that the Township access road was a problem. He has talked to the owner of neighboring land regarding moving the drive 80 to 100 feet to the west. He is still working on that issue.

Tom Shaw stated that he never sees anyone take a bike over the walkover. He mentioned building a new overwalk with a bike cross ramp near Snyders and Willow Farm. Moving it to that area would take it away from the intersection and light.

Greg Zyburt said the walkover was a sight problem with drivers seeing the light, even though there is a warning sign.

Adrain Stroupe noted that the walkover can be reused at another area.

Doug Riled said it is important to have a usable overpass especially now with the community center at the Silver Creek School building opening this summer.

The commissioners discussed the various areas a ramp could be installed. One was in front of the Township Hall, but the same problem would exist with the light sight problem. A tunnel was suggested, but a half of million dollars cost was given for a 12 x 12 tunnel.

The area near Wahlstoms/Township/Willow Farm was discussed. Access roads to Wahstroms Restaurant and Motel cannot be closed. Willow Farm may become

a commercial area in the future. Willow Farms consists of about 100 acres. A frontage road was suggested by Dave Gillis connecting Cherry Creek and US 41.

Steve Kinnunen stated we have to come up with a master plan.

Greg Zyburt stated that a big accident area was the south entrance to the Holiday Station, figuring it was probably the worst spot in the Township. Turning movement are the highest accident causes.

Steve Kinnunen suggested we close two of the four access roads in that area and maybe connect Snyders with the Holiday Station so vehicles do not have to drive out into US 41 to get to these businesses. Also when the road is being resurfaced to put in a frontage road at the northern most point of the business grouping.

Scott Emerson noted that a boulevard with a turning lane in that area would be beneficial.

Adrian Stroupe said the biggest problem with frontage roads is deciding who is going to maintain them? He said that a special assessment district could be developed to connect driveways with new developments.

Doug Riley suggested a frontage road running from US 41 to M 28 behind the businesses. They discussed the soil in that area as possibly being wetland. Riley also noted that the area near Van Epps and US 41 could have a frontage road that loops behind the businesses.

The area south of the US 41/ M 28 intersection was discussed. The soil in that area is wet but not considered wetland. It is sand, and would need fill before a road could be developed connecting US 41 and M 28.

Tom Shaw noted that the traffic in the Silver Creek/US 41 intersection is going to get busier as the Sands Township develops in that area. The Teaching Family Home is going to go into the old prison farm at the end of Silver Creek. At this time it is a seasonal road. Extra traffic in this area will put a burden on Silver Creek Road already having the school/community center and the church there. Tom Shaw also noted that manhole problems we had recently near the rock cut.

Doug Riley said he would write up a sub-plan and have a property owners' meeting as early as possible.

Dave Gillis and Adrian Stroupe thanked the planning commissioners for being so concerned with the Chocolay area, and said they were doing an excellent job.

VII. SUB-COMMITTEE REPORTS

RECREATION SUB-COMMITTEE

Lee Snooks reported:

- 1) 1500 of the recreation surveys were randomly mailed to Chocolay residents by Dr. Sherony's NMU business class. About 550 surveys have been returned for help in developing a 2003 recreation plan;
- 2) The Browers' Property has finally been given a name. Mr. Browers at first did not want the area named after him, but being asked again he gave approval to name it "Browers' Recreational Area." He explained the 4-H Grant and Forest Management Plan for this area;
- 3) The DEQ Grant for the 2nd turnout along M-28 looks good. This will be used to restore vegetation in the turnout area; and,
- 4) The new pavillion/parking in the Beaver Grove Recreation Area will be started as soon as possible this spring. A young man came to the last Recreation Meeting asking for lights in the soccerfield area. He was asked to come up with prices and come back to the committee with more information.

- 5) A permanent Community Center Committee is being formed to set policies. Eight members of the original committee will be staying on this new committee. They will act as an advisory board/policy maker to the Township Board.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley noted that the Dune Overlay has been adopted by the Board and that he was going to a meeting regarding this issue on Tuesday, April 9, 2002 in Escanaba.

He also reported that the Board is asking the residents for 1 addition mill/5 years for the community center operations. The ballot language is being worked on and it will be on the August primary election ballot. Rezoning of the community center will be discussed at the next meeting.

VII. COMMISSIONERS COMMENT

None.

VIII. ADJOURNMENT

Bill Sanders adjourned the meeting at 10:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
April 8, 2002

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

ABSENT: None.

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

Chair Bill Sanders called the Public Hearing to order at 7:30 PM.

I. PUBLIC HEARINGS

Conditional Use #64 – Fraco, Inc. – Construction of Office/Showroom Addition

Terry Bengry and Pete Frazier from Fraco, Inc. said they would answer questions when needed.

II. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the meeting to order at 7:33 P.M.

III. APPROVAL OF THE MEETING MINUTES

The Minutes of the regular meeting of the Chocolay Township Planning Commission dated March 11, 2002 were presented for approval.

Moved by Ken Tabor, supported by Estelle DeVooght, approving minutes of March 11, 2002. **Aye 6, Nay 0. Motion carried unanimously.** (Scott Emerson was entering the room at this time.)

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Moved to accept agenda by Bill Sanders, supported by Steve Kinnunen.
Aye 7, Nay 0. Motion carried unanimously.

V. PUBLIC COMMENT.

None

VI. NEW BUSINESS

**A. CONSIDER – CONDITIONAL USE #64 –FRACO, INC.
CONSTRUCTION OF OFFICE/SHOWROOM ADDITION**

Doug Riley gave a brief explanation of the showroom/office addition. He noted that the parking needs have already been met, and the buffer areas were not impacted. Additional landscaping is planned. Riley noted he had received no responses to letters he sent out or to the ad in the Mining Journal. He noted Mark

Maki's letter regarding the encroachment. He said this issue would be worked through and noted that it was not a major violation.

Pete Frazier mentioned that no trees would be cut down for this addition. It will be built where the grassy area is near the existing building. He noted that his sister owns the land that abuts to his land, and some of the items there belong to her. He said the materials in the buffer zone are loose storage, and it will be no problem to move.

Don Britton questioned the conditional use of the property regarding Mark Maki's letter.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #64; 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 #64 with the following conditions:

- 1) That the conditions of operations from the previous Conditional Use Approvals remain in place.
- 2) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Aye 7, Nay 0. Motion carried unanimously.

Pete Frazier, FRACO, questioned if he could proceed with this project, and deal with Mark Maki's letter later?

Bill Sanders said yes, but a zoning compliance permit for the addition has to be completed through Mark Maki.

Doug Riley noted that the new addition was in full compliance.

B. WORKSHOP – US 41 CORRIDOR/ACCESS MANAGEMENT PLAN

Doug Riley explained that this is a follow-up after the Corridor Management team meeting at the City of Marquette. He said we are taking a close look at our section of the corridor. Asked what the Planning Commission envisions for US 41 through Harvey?

Riley said the Commissioners should look at all options and make decisions on what to focus on. It is time to put plans on paper and begin to formalize this at future meetings. He has invited Greg Zyburt, Chocolay Township Police Chief, to answer questions regarding problem areas. Dave Gillis from CUPPAD was in attendance to present the GIS data of the Chocolay area, and Adrian Struope, Transportation Planner from MDOT, was present to answer questions and provide information.

Discussion of five main areas:

1) Section near the rock cut to Van Epps/Main Street

Scott Emerson asked Greg Zybert where the greatest accident areas are in Chocolay? Greg Zybert felt the hot spot was near the rock cut for winter accidents. Cars going too fast go out of control on the ice/snowy conditions. He mentioned that some accidents are caused because the drivers are looking out over the lake (Superior). Mike LaPointe stated that having a boulevard in that area would cut down on two car accidents. Noting that a one-vehicle accident is better than two vehicles. Scott Emerson stated that he thought the speed limit was too fast. He would like to see a limit of 35 mph through Harvey. He does not feel that is unreasonable. Then past the rock cut it could go back to 55 mph. Bill Sanders said that a landscaped corridor/boulevard might slow the traffic. Tom Shaw said the area through Harvey was a short distance and people don't realize they have to slow down. He also mentioned that a narrower boulevard may be a problem with snow drifting. It would fill up faster than the wide five lanes now there.

Scott Emerson noted the area west of the rock cut is an undeveloped commercial area with a short site distance along US 41. It would be hard to re-zone due to poor zoning designation in the past. If we had an access road from the south going behind the businesses it would be much safer. Doug Riley said the existing curbcut is in a bad spot, and should be eliminated. Tom Shaw mentioned the highway was built originally in 1876. He asked if access to an undeveloped area can be legally removed? Adrian Stroupe, from MDOT, said if it is reasonable it can be removed when a major project is being done. Doug Riley stated the businesses could coordinate a curbcut location. Mike LaPointe said the landowner has a right to have a curbcut, but MDOT decides the access point. Adrian Stroupe noted that if it is deemed unsafe, MDOT will check it and change it if necessary.

Doug Riley stated that the area near the rock cut was being offered to the State for a swap or trade for some Marquette City property (prison property) also near the rock cut. At this time he does not know where the issue stands. Adrian Stroupe said that sounds like a good idea, but Chocolay would be losing that area that could be zoned commercial. The problem is that we would be losing tax revenue. Scott Emerson noted that the Township could rezone other areas for commercial that would be in a better location.

Tom Shaw spoke of the area near Van Epps and Main Street. He mentioned the idea of checking on the possibility of purchasing Cliff Johnson's home and align Van Epps and Main Street for a safer area. Estelle DeVoght suggested we talk to Cliff Johnson as soon as possible. Doug Riley suggested we open a road behind the business along US 41 near Van Epps having one primary access to the highway. This project all comes down to cost. Tom Shaw stated that this was a good investment for the community, as far as the public safety aspect and more business opportunity in that area. Dave Gillis mentioned there might be some incentive packages from the State on highway safety benefits. The corridor management team would like to see the local areas prioritize their needs; although

they may not take the top priorities first. The needs change, and safety issues come into consideration. He suggests being creative. Doug Riley mentioned a resurfacing in the future plans. He thought we could eliminate some of the unused or poor curbcuts at that time, and combine some of the business curbcuts that are very near each other. Example is Bayshore and the Dentist office. Potholes in the access sites where they adjoin US 41 are also a critical problem, and asked if they could be taken care of while the resurfacing was being done? Adrian Stroupe said they do fill just a little past the hinge point, which is about five feet or so. He said they cannot do everything, but suggests to put the plans down on paper and list the critical areas first. Work on them when the opportunity comes around. He suggests less access sites along US 41 and more plantings. Scott Emerson suggests incorporating access sites and putting in power lines underground at the same time.

2) Walt's Auto/Drizzels Area

Doug Riley explained the traffic/parking problem near Walt's Auto and Drizzels. Adrain Stroupe explained that if there are less access points, insurance rates are better and you are more inviting to businesses. Doug explained the area near First of Negaunee Bank/Citgo/Pete LaRue's building. Maybe consolidation of some of these access roads could be done.

3) Silver Creek/ US 41/Corning Street Intersection

Doug Riley explained the Silver Creek/Corning Street area, noting that the Township access road was a problem. He has talked to the owner of neighboring land regarding moving the drive 80 to 100 feet to the west. He is still working on that issue

Tom Shaw stated that he never sees anyone take a bike over the walkover. He mentioned building a new overwalk with a bike cross ramp near Snyders and Willow Farm. Moving it to that area would take it away from the intersection and light. Greg Zybert said the walkover was a sight problem with drivers seeing the light, even though there is a warning sign. Adrain Stroupe noted that the walkover can be reused at another area. Doug Riley said it is important to have a usable overpass especially now with the community center at the Silver Creek School building opening this summer. The commissioners discussed the various areas a ramp could be installed. One was in front of the Township Hall, but the same problem would exist with the light sight problem. A tunnel was suggested, but a half of million dollar cost was given for a 12' x 12' tunnel.

Tom Shaw noted that the traffic in the Silver Creek/US 41 intersection is going to get busier as Sands Township develops in that area. The Teaching Family Home Project is going to go into the old prison farm at the end of Silver Creek. At this time it is a seasonal road. Extra traffic in this area will put a burden on Silver Creek Road already having the school/community center and the church there.

4) Township Hall/Wahlstroms/Willow Farm Area

Tom Shaw noted that in heavy rains the area in front of the Township Hall is a pond. Greg Zyburst stated that many drivers lose control in the deep water. He knows of two fatalities because of the bad drainage in that area. Scott Emerson stated that a boulevard in those areas would be helpful. Adrian Stroupe agreed.

Steve Kinnunen noted that all through the corridor of Columbus, Ohio they have a traffic warning system. They have warning lights a certain distance from the actual traffic light that informs the driver of light changes. This system helps in keeping traffic moving smoothly, and there are no last minute braking problems at the intersections. He said there are yellow flashing warning lights when the lights change. He noted that stoplights are the greatest creator of accidents. A couple other areas in Southfield, MI and in Canada were also mentioned having a warning system. Adrian Stroupe noted that when you have a boulevard, less lights are needed to control traffic.

Access roads to Wahstroms Restaurant and Motel probably cannot be consolidated. Willow Farm may become a commercial area in the future. Willow Farms consists of about 100 acres. A frontage road was suggested by Dave Gillis connecting Cherry Creek and US 41. Discussion centered on planning for the best access.

5) M-28/Cherry Creek area

Steve Kinnunen noted that if a large/long semi-truck comes from Cherry Creek turning north they have a problem. It is too narrow for them. The turn lane needs to be widened. Could we put in a turn lane the same time they resurface that area? Steve Kinnunen stated that the intersection of M-28/US-41 and Cherry Creek Road was a problem with a bad bump going across 41 from 28 to Cherry Creek. He said we should summarize our suggestions to the corridor management team. Adrian Stroupe explained the statewide road width policy. Bill Sanders said we have to balance cost with benefits. The boulevard has twice the curbing but less pavement area. It would help with snow removal. Scott Emerson said the plantings along the boulevard would also reduce traffic noise. Greg Zyburst stated that a big accident area was the south entrance to the Holiday Station, figuring it was probably the worst spot in the Township. Turning movements are the highest accident causes. Steve Kinnunen suggested we close two of the four access roads in that area and maybe connect Snyders with the Holiday Station so vehicles do not have to drive out into US 41 to get to these businesses. Also when the road is being resurfaced to put in a frontage road at the northern most point of the business grouping. Scott Emerson noted that a boulevard with a turning lane in that area would be beneficial.

Adrian Stroupe said the biggest problem with frontage roads is deciding who is going to maintain them? He said that a special assessment district could be developed to connect driveways with new developments. Doug Riley suggested a frontage road running from US 41 to M 28 behind the businesses. They discussed the soils in that area.

The area south of the US 41/ M 28 intersection was discussed. The soil in that area is wet but not considered wetland. It is sand, and would need fill before a road could be developed connecting US 41 and M 28.

General Info:

Adrian Stroupe said to get all the ideas on paper and give a copy to Andy Sikkema. He said to include all future road improvements, all access areas, resurfacing, and mention filling to potholes in access areas also. Scott Emerson suggested a Planning Commission meeting to cover just this issue. Doug Riley said he would work on a draft area sub-plan and have a property owners' meeting as early as possible.

VII. SUB-COMMITTEE REPORTS

RECREATION SUB-COMMITTEE

Lee Snooks reported:

- 1) 1,500 of the recreation surveys were randomly mailed to Chocolay residents by Dr. Sherony's NMU business class. About 550 surveys have been returned for help in developing a 2003 recreation plan.
- 2) The Browers' Property has finally been given a name. Mr. Browers at first did not want the area named after him, but being asked again he gave approval to name it "Browers' Recreational Area." He explained the 4-H Grant and Forest Management Plan for this area.
- 3) The DEQ Grant for the 2nd turnout along M-28 looks good. This will be used to restore vegetation in the turnout area.
- 4) The new pavillion/parking in the Beaver Grove Recreation Area will be started as soon as possible this spring. A young man came to the last Recreation Meeting asking for lights in the soccerfield area. He was asked to come up with prices and come back to the committee with more information.
- 5) A permanent Community Center Committee is being formed to recommend policies. Eight members of the original committee will be staying on this new committee. They will act as an advisory board to the Township Board.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley noted that the Dune Overlay District has been adopted by the Board and that he and Bill Sanders were going to a Access Management Conference on Tuesday, April 9, 2002 in Escanaba.

He also reported that the Board is asking the residents for one additional mill/five years for community center operations. The ballot language is being worked on and it will be on the August primary election ballot. Rezoning of the community center will be discussed at the next meeting.

IX. COMMISSIONERS COMMENT

None.

X. ADJOURNMENT

Bill Sanders adjourned the meeting at 10:28 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
May 13, 2002

PRESENT: **Commissioners:** Bill Sanders, Ken Tabor, Tom Shaw, Estelle DeVooght, and Steve Kinnunen.

ABSENT: Mike LaPointe and Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the Public Hearing to order at 7:30 PM.

II. PUBLIC HEARINGS

Chair Sanders stated the Commissioners would be discussing the two following items:

- A. Conditional Use #121 Chocolay Township – Silver Creek School and Silver Creek Recreation Area Property – R-3 to Public Lands
- B. Private Road #17 – Mary Lou Shimon – Shimon Trail

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor Motioned, Steve Kinnunen Seconded that the April 8, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved unanimously.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Ken Tabor Seconded that the Agenda be approved as presented.

Aye 5, Nay 0. Motion approved unanimously.

V. PUBLIC COMMENT

John Smith brought a video to show the Commissioners before making their decision on rezoning the Silver Creek School (Community Center). Problems with the VCR recorder/tape did not enable him to proceed. Smith stated that he is not against the Community Center, but he feels the Township is being deceptive in the way it is being done. Smith felt an ordinary citizen would have a tough time changing the zoning, so why can the Township? Smith thinks the Community Center should not compete with the local businesses. He felt that a post office would be a retail business and it needs to have approximately 100 square feet of space to operate. He feels the Township should not be going into retail business. He feels there will be a parking problem at the Community Center. He would like to see the Community Center zoned C-1. It is zoned R-3 now, and he thinks that was also mis-zoned. He questioned the money issue regarding the post office. He heard the Township may get \$5,000 to \$7,000 per year from the post office for rent. He wanted the Commissioners to hear him before making their decision on zoning, and “not just ram the zoning through.”

Madeleine Zimmerman, 400 Little Lake Road, stated she was a friend and neighbor to Mary Lou Shimon for over 30 years. She has no objection to the road, but questioned if it had to be a cul-de-sac and also questioned the name of the extension. She felt it should be called Shimon Circle.

John Smith questioned the publishing of the Ordinance Amendment Sub-Committee Meetings. He felt there was a violation of the Open Meetings Act.

Chair Sanders closed the Public Comment at 7:43 P.M.

VI. NEW BUSINESS

A. CONSIDER – REZONING #121 – CHOCOLAY TOWNSHIP – SILVER CREEK SCHOOL AND SILVER CREEK RECREATION AREA PROPERTY – R-3 TO PUBLIC LANDS

Doug Riley said the Commissioners had in their packet the information on the rezoning issue. Everything was covered in the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS.

Bill Sanders asked what site plans the Planning Commission would have to review? Would this be for additions, and not for things like painting? Doug Riley answered yes.

DeVooght questioned John Smith's comments regarding zoning. Doug Riley stated that changing the zoning to Public Lands would be needed for the community center. Bill Sanders agreed with the rezoning to Public Lands. He noted that the school was built before the Zoning Ordinance was in place. Doug Riley noted that in R-3 schools are a conditional use.

Bill Sanders asked what the size of the school was? Doug Riley noted it was approximately 29,000 square feet. Bill Sanders then stated that he felt having a post office in the community center with 100 square feet would be no problem as a typical use in a community center. He was comfortable in rezoning the Silver Creek School and Recreation area to Public Lands.

Steve Kinnunen stated that the community center plans look good. He felt when the Marquette Area Public School put the Silver Creek building up for sale the price was right for the Township to purchase it.

Bill Sanders noted that the Silver Creek School area should be zoned Public Lands as it has the recreational lands behind the school.

Estelle DeVooght feels it is a great idea to have a community center. The Township needs a place to have wedding receptions, showers and the like. She feels we need a building like this.

John Smith (**public comment**) was concerned that the community center would be in competition with local businesses. He feels Wahlstrom's would loose business if we had an area for weddings, etc. He thinks the Board is rubber-stamping and he is against the way it is being slid through. He feels it should have conditions put on it.

Estelle DeVooght again noted that she is in favor of the community center and resents the fact that John Smith feels the Planning Commission is doing something crooked.

Bill Kimmes, 313 Fernwood, (**public comment**) stated that it appears that there is a push regarding commercial vehicles in residential areas. He wants to be able to plan ahead, and look at what would be available for him to park his commercial vehicles. He asked if there is a possibility to park commercial vehicles at the community center in an enclosed, secure area?

Bill Sanders Motioned, Estelle DeVooght Seconded to add to New Business - item D – Commercial Vehicle Parking Information to the agenda. Aye 5, Nay 0. Motion approved unanimously.

Doug Riley, again getting back to Rezoning #121, wanted to give a clarification to John Smith's thoughts on the Township being in competition with local businesses. He noted that CABA has been in support of a community center. In fact they had raised \$34,000 toward the development of a community center. He does not think businesses feel threatened by the community center. This money was used toward the first payment.

Doug Riley also noted that there cannot be conditions placed on rezoning. The Planning Commission either has to recommend approval or denial of the rezoning.

Estelle DeVooght stated that Wahlstrom's room is not big enough for large wedding receptions and parties and that it would not be in direct competition with them.

Doug Riley felt that the community center would bring more people to our local businesses. It could be an anchor in our Township.

Bill Sanders said the Planning Commission was not a rubber stamp, and that the Silver Creek School area site plan was being reviewed, and matters like parking are being worked on.

Bill Sanders Motioned, Ken Tabor Seconded, that following the review of Rezoning request #121 and the STAFF/FILE REVIEW, the Planning Commission recommends approval of Rezoning #121 to the Township Board to rezone said property from R-3 to PUBLIC LANDS.

Aye 5, Nay 0. Motion approved unanimously.

Madeleine Zimmerman (**pubic comment**) questioned the use of alcohol at the Community Center. This is an important issue to be discussed. She is on the Fair Board, and it is a big issue.

B. CONSIDER PRIVATE ROAD #17 – MARY LOU SHIMON – SHIMON TRAIL

Doug Riley showed the Commissioners overheads regarding the Shimon property, stating that Mary Lou Shimon's west 20 acres has been rezoned RR-2, and the back 20 acres is zoned R-P. In April the Zoning Board of Appeals granted her the variance for the garage which is located within the 66' required roadway. To build a new home, she needs to have this private road approval. She also needed an easement from the neighbor to the south, Mr. Hendrickson. Doug Riley noted that a letter from Mr. Hendrickson is included in their packet with his approval.

Doug Riley noted that a name has to be given to the extension. Two suggestions were Shimon Circle or Shimon Trail. The commission discussed the naming of the extension. It was suggested that it be called Shimon Court, the same as the rest of the road. Doug Riley noted that the Township usually names the private section of streets differently. The Marquette County Road Commission will be asked if they have any objections to having it named Shimon Court.

Mary Lou Shimon explained to the commission that she has already taken many steps to get to this point, and has been given many conditions. She would like to build a house, and will spend the extra money for the road if she is able to build.

Steve Kinnunen Moved, Ken Tabor Seconded that after review of Private Road request #17; the standards of Section 402 D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DADA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) **A covenant be established on the deeds for any parcel created off from this private road identifying the private road status and which reference the Private Road Easement and a maintenance agreement which must be fully executed.**
- 2) **The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction.**
- 3) **A zoning compliance permit shall be issued after all of the above conditions are met.**

Aye 5, Nay 0.

Motion Approved. This will be forwarded to the Board.

C. JUNK & JUNK VEHICLE ORDINANCE/ENFORCEMENT

Doug Riley indicated that staff was approached by a citizen that is probably going to circulate a petition requesting the Township to increase its junk and junk vehicle enforcement efforts. This person also requested the review of our junk vehicle ordinance to address some problems. The Ordinance Amendment Subcommittee has initially discussed this.

Doug Riley noted that the ordinance is confusing. What has been discussed is the need to have a limit on the number of junk cars that can be stored in an area. At this time junk vehicles must be fenced/screened in, but the Ordinance does not limit the amount. Therefore, a junkyard situation can result. The Planning Commission will review the Ordinance in the future.

The issue of the Township expanding its spring clean up program to help people get rid of their junk was also discussed.

This is just a heads up. This issue will be discussed at a future meeting.

D. COMMERCIAL VEHICLE INFORMATION

Bill Kimmes asked the Commissioners what he would be able to do with his commercial vehicles if the Township/Zoning Administrator cracks down on commercial vehicle parking in residential zones?

Doug Riley noted that in cases where a home occupation approval was not obtained, commercial vehicles could be parked in C-3 zones, and that maybe a C-3 site could be developed to accommodate this need. The Township was not prohibiting anyone from parking a commercial vehicle that they drive home from work.

Bill Kimmes noted that he had received a letter from the Zoning Administrator stating that 313 Fernwood was not authorized for commercial vehicle parking use, and that the Zoning administrator suggested to him that he apply for a home occupation permit. Bill Kimmes feels that he does not run a business out of his home, and does not think he should have to apply for a home occupation permit.

Bill Sanders noted that the Township has issued two tickets in the last 20 years for commercial vehicle parking in residential districts. They were issued because they were operating out of area not zoned business and greatly exceeded customary commercial vehicle parking.

Doug Riley stated that the Zoning Board of Appeals is still reviewing this issue.

Bill Sanders feels that driving home a business vehicle is certainly not an issue.

Doug Riley mentioned that with home occupation approval, business vehicles and equipment is authorized if screened. Of course, this requires Zoning Board of Appeals review.

Bill Kimmes stated that he is confused. If he applies for a home occupation permit, is he then in part saying that he runs a business out of his home? And what if he is turned down by the Zoning Board of Appeals or has restrictions put on? Garage sizes are limited by the zoning ordinance, can he build it big enough? He is confused by what he hears on the street.

Bill Kimmes asked if the Planning Commission could give him a letter.

John Smith (**public comment**) said that in the Bob LaJuenesse's court case, he feels the judge went beyond what he should have. Bob LaJuenesse was ordered to remove personal items (vehicles).

Ken Tabor noted that it was not the intention of the Board not to let residents drive business vehicles home.

Bill Kimmes (**public comment**) questioned if he does file for a home occupation, will he be categorized? He is concerned about if he parks his business vehicles at his residence, that he will be ticketed and have to spend thousands of dollars to go to court.

Doug Riley stated that the Zoning Administrator determines this issue. If you do not agree with the Zoning Administrator, you can appeal to the Zoning Board of Appeals.

Bill Sanders noted that the Commissioners appreciate the questions. He noted that continued review of this issue will continue with the Planning Commission and the Ordinance Amendment Sub-Committee following the Court Cases and ZBA ruling. He asked Mr. Kimmes to stay involved and get the facts from the Township and not the “word of the streets.”

Steve Kinnunen agreed, and again mentioned to get the facts from the Township office, and not take the “word of the street” as fact.

V. SUB-COMMITTEE REPORTS

A. RECREATION SUB-COMMITTEE

Lee Snooks reported that the business class at Northern Michigan University did a great job on the Recreation Survey. They sent out 1500 random surveys and received about 450 back for the tabulation. In total about 500 came back, but many came back too late to be tabulated. This recreation survey will be used in developing the Recreation Update for 2003, which is used for grant requests.

Steve Kinnunen asked about the many comments on the marina.

Lee Snooks stated that the way the marina is situated, it is impossible to dredge to Lake Superior, since the sand fills in that area each year. The marina is not made for larger boats entering Lake Superior. It is just not financially feasible.

B. ORDINANCE AMENDMENT SUB-COMMITTEE

Doug Riley mentioned that the committee is reviewing the junk vehicle ordinance. He said the committee is made up of three people, they meet when it is convenient for the three. The meeting agendas are posted on the Township bulletin boards at the Township Hall. This Committee does not constitute a quorum of the Planning Commission. They are a working group that makes recommendations to the Planning Commission.

VI. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley reported on the corridor plan issue. Ideas are being put on paper at this time, and will be reviewed in the future.

Doug Riley noted that the Speed Limit Bill has been vetoed. But another bill has been introduced pretty much to do the same thing. It involves having a pilot program in six counties. Marquette County is one of them.

At a recent Regular Board Meeting a few people requested to have the Township Board meetings televised and for the Township to pay for the cost. The Board discussed the possibility, and were unsure if they should spend tax payers money for it. A decision was made to do a survey to see if the residents of Chocolay would support the cost of televising these meetings.

There will be a metal pick-up at curbside beginning on May 25th at 7:00 A.M. for all residents.

VII. PUBLIC COMMENT

John Smith said that in the 1976 Open Meetings Act, Section 16.265 states that all public meetings must be posted within 10 days of the 1st meeting. He felt that the Ordinance Amendment Committee has not complied with this.

Bill Sanders stated that if we are doing something wrong, we will have it rectified.

Tom Shaw stated that he hears the talk on the street everyday, and there are statements made that are not true. He wants to tell everyone to come to meetings or go to the Township and talk with the person in charge of the issue to get the facts and not listen to the talk on the street.

John Smith stated that it would be perceived that the Planning Commission added the commercial vehicle discussion to this meeting agenda without it being appropriately posted on the agenda.

Bill Sanders stated that a member of the public requested information, and he felt it was important to give him facts, and clarify some incorrect information the resident had received from other people. Bill Sanders asked Lee Blondeau and John Smith to inform others that this addition to the agenda was not improperly squeezed in and to please call him directly if they have concerns. Sanders felt it was appropriate to answer his questions at this meeting.

John Smith was filming the meeting, and said it was on camera. He mentioned that he felt the Board should pay for televising the meetings.

VIII. COMMISSIONERS COMMENT

Estelle DeVooght asked if anyone knew why airplanes were flying low near her home?

Doug Riley said the County was doing a study in a 3-mile radius of KI Sawyer.

IX. ADJOURNMENT

Bill Sanders adjourned the meeting at 9:17 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
June 3, 2002

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

ABSENT: Scott Emerson

OTHERS: Lee Snooks, Grants and Recreation Director, and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Chair Bill Sanders called the Public Hearing to order at 7:31 PM.

II. PUBLIC HEARINGS None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor Motioned, Tom Shaw Seconded that the May 13, 2002 Minutes be approved as presented.

Aye 6, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Estelle DeVooght Seconded that the Agenda be approved as presented.

Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT None

Chair Sanders closed the Public Comment at 7:35 P.M.

VI. NEW BUSINESS

A. CONSIDER – PRELIMINARY PLAN FOR CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM

Glen Van Neste handed out a map with additional information added to the map given to the commissioners in their packets. He noted that this area was located off M-28 (Wintergreen and Autumn Trail).

Bill Sanders stated that the preliminary review was straightforward.

Glan Van Neste gave a brief description of a site condo. He said in Marquette they have Lakeshore Park Place, where condominiums have been developed. They just own the interior of the building. Here in Chocoday they own the land, it looks much like a subdivision with the shaded area on the map to be common land and a walkway, all owned by the association. Units 1 & 2 are detached from the rest of the area. All the owners must sign a road agreement.

Bill Sanders noted Mark Maki, the Assessor, says there are no more allowable splits. Estelle DeVooght said she felt the flood plain goes further than shown.

LaPointe Moved, Tabor Seconded that the Planning Commission approve the Preliminary Plan for the Chocoday Woods Proposed Site Condominium and forward it to the Township Board with the following conditions:

- 1) That the development comply with the submittal requirements of Section 525 of Zoning Ordinance 60 and Condominium Act 59 for the Final Condominium Plans.**
 - 2) That the lots may need adjustment to comply with lot size requirements as determined by the Zoning Administrator.**
- Aye 6, Nay 0. Motion carried.**

It will now go to the Board. They meet on June 17, 2002.

B. ANNUAL ELECTION OF OFFICERS

Estelle DeVooght Moved, Tom Shaw Seconded that the Planning Commission keep the same officers as last year as follows:

**Chairperson: Bill Sanders
Vice Chairperson: Mike LaPointe
Secretary: Estelle DeVooght
Vice-Secretary: Steve Kinnunen
Aye 6, Nay 0. Motion Carried.**

C. CONSIDER – 2001 ANNUAL REPORT

Bill Sanders noted looking at the annual report that a lot of work was accomplished. There was a short discussion by the commissioners. Bill Sanders said the 2001 Annual Report would be given to the Board.

D. REVIEW/DISCUSS – PLANNING COMMISSION BY-LAWS

Bill Sanders noted that a 15-day commission notice would have to be made if any changes were made. He noted that the Planning Commissioners adhere to the policy, and he feels that it should even be tightened up now. Discussion centered on the public participation policy the Board recently put in place.

Ken Tabor stated that at some meetings the public comes in and takes over the discussion. We have a need to implement a time limit. The public should only speak if the Chairperson instructs them to speak.

Tom Shaw agreed that the time limit should be watched carefully.

Steve Kinnunen stated that the guidelines are in place if a meeting gets out of hand, and control is needed. He has seen the public speaking when there is a motion on the floor.

Mike LaPointe noted that he attends many meetings and they must be strict or the board would not get any work accomplished. We must use common sense in running a meeting. LaPointe suggested we attach “rules to speak” to the agenda.

Bill Sanders said it may be frustrating for the public, and at times it would be appropriate to let the public speak. We need to be flexible, but have control. We will ask Doug Riley to help with the implementation.

VII. SUB-COMMITTEE REPORTS

A. RECREATION SUB-COMMITTEE

Lee Snooks asked for guidance regarding the Recreation Committee status. The Recreation Committee has lost steam. It was an ad hoc committee for a special project, and at this time nothing is really happening. Attendance is low, they have no power to make decisions, and he feels there is a lack of interest. They have almost completed the Beaver Grove area, updated the recreation plan. There is no formal chairperson. Lee Snooks asked the Planning Commission for direction.

Steve Kinnunen stated that because of the Recreation Committee existing, the Township has received grants that we may not have otherwise received. He feels it should stay intact as a committee, and just meet when necessary.

Bill Sanders felt that since Lee Snooks has taken the new position, he thinks we could recall the recreation committee as is. If needed in the future, still under the Planning Commission, a group can be called to work on special projects. It does not have to be the same group, it can be a group that has a interest in the project.

Lee Snooks stated that he would like to work on valuable issues, right now it is slow, and there are no projects to work on. The Beaver Grove area is almost completed, the recreation report just needs to be published. He stated that the

members involved right now are very busy people and he is having a hard time getting more than a couple people to make it to a meeting.

Steve Kinnunen said with the community center opening shortly, we may have more recreational activities available. He would like to see more community members getting involved to make things happen. He is concerned with the millage, he hopes the community will support a children and senior citizens center.

Bill Sanders does not feel the committee should be dissolved. It is an ad hoc committee anyway, if needed just a couple of members could be called for a meeting.

Lee Snooks stated that the Community Center Committee is for inside activities, the outdoor activities are for the recreation committee. Don Britton is on both committees.

Ken Tabor felt it should be continued, but only call meetings when Lee Snooks feels it is necessary.

Mike LaPointe noted that he was on the committee, but it was a bad day for him to make the meetings.

Bill Sanders said to dissolve the committee as is, and call a group of interested people when a mission comes up. Then those people will be more involved, and that way different people in the community can get involved.

Steve Kinnunen noted that he does not want the community to feel that we are dropping plans for recreation. If anyone has recreation concerns they should see Lee Snooks.

Lee Snooks also noted that the Brower's Stewardship Plan is now available.

Mike LaPointe asked Lee Snooks if we got the turn-out dune restoration money? Lee said that the DEQ is trying to find money now for coastal restoration. He wanted to know what kind of timeframe we are looking at? Lee Snooks said it would probably be next season, if approved this month. Mike LaPointe noted that he would like to be involved.

Steve Kinnunen said he has contacted Christy Fox, from Land Management in Lansing. He said this organization was very happy that our Board accepted the dune ordinance, and they would like the Township to send them information regarding the ordinance.

B. ORDINANCE AMENDMENT SUB-COMMITTEE

Bill Sanders stated that there was a question brought up about posting the meeting. The meetings are posted on the bulletin board near the front door of the Township office.

VIII. PLANNING DIRECTOR'S REPORT/INFORMATIONAL ITEMS AND CORRESPONDENCE

Doug Riley was not in attendance, so there was no report.

IX. PUBLIC COMMENT None.

X. COMMISSIONERS COMMENT

Tom Shaw asked about when the Special Meeting could be held for the Dune Application? The Commissioners discussed dates and times. Lee Snooks suggested using the Teachers' Lounge at the Silver Creek School, since the Township meeting room was being used almost every night. The meeting would be to review the request only, and would be no longer than one hour. It was decided that June 13th, at the Silver Creek

School Teachers' Lounge would work for everyone at 6:00 P.M. Lee will check with the school for confirmation.

Mike LaPointe stated that everyone should take a ride and check out the Greenbay Street/Lakewood Lane River Access Project. He noted that it looks very good. He said he has had comments from residents suggesting handrails be installed on the steps.

Steve Kinnunen noted that it is a big improvement. He wants everyone going there to check out the dirt washing into the river from the bank near the north side of the bridge. He suggested filling in with rock, like the area near Cherry Creek area to stop the erosion.

Tom Shaw noted there are washouts near the Bayshore Vet Clinic near the sewer manholes.

Estelle DeVooght brought up the letter that was enclosed in the packets regarding Savola's property. She asked what Chocolay Township could do to clean up the mess? Tom Shaw stated that it was all in Sands Township and Marquette City, and they don't care. They feel it is someone else's responsibility. People think it belongs to Chocolay Township and make comments regarding their feelings toward the project.

Steve Kinnunen noted that the Michigan State Extension Service was having a class on understanding ordinances. It was a 40-hour class. He went to one in Marquette, which was only one day, but he felt it was very informative. It showed how people can maneuver around ordinances, and how agencies (townships) can be in control. For example, Marquette City had no tower ordinance in effect, so there was no ruling against what they did.

Tom Shaw mentioned that Northern Michigan Landbrokers opened up the road from 553 to Silver Creek Road. The area of 148 acres was rezoned residential from forest. This may cause a large increase in traffic along Silver Creek Road. US 41 and Silver Creek is a bad intersection, and Silver Creek Road is too narrow for increased traffic.

Mike LaPointe noted that secondary homes were on a rise in this area. Steve Kinnunen stated that development usually follows water. His thoughts were that it could be good for the Silver Creek Road residents to have another way to exit.

Ken Tabor said we should coordinate and work with Sands Township. Bill Sanders noted that Sands does not have a full time staff, which makes it harder for them.

Steve Kinnunen suggested the Planning Commission review the US 41 and Silver Creek intersection area. Silver Creek needs repair and with the added development it could cause an increase in through traffic.

Tom Shaw noted that you can now drive through the 80-foot wide flattened area.

Bill Sanders said that similar things happened in Traverse City with the traffic increase and road problems. We do not have that development pressure here, yet.

Steve Kinnunen said we should get our road requirements in place ahead of time.

Bill Sanders noted that new private roads are sprawl generators. Steve Kinnunen mentioned the Green Garden area, Vista Hills, and noted that a private road was created, and land splits were done.

Steve Kinnunen stated he had read in a magazine in the Township office regarding urban sprawl, and that MSU had a video available. Within the next ten years, tourism will be increased, and people will be buying up land and development will increase. We need to do some studying as we see it coming.

XI. ADJOURNMENT

Chair Sanders adjourned the meeting at 8:42 P.M.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION
SPECIAL MEETING
June 13, 2002**

PRESENT: Commissioners: Ken Tabor, Tom Shaw, Mike LaPointe and Steve Kinnunen.

ABSENT: Scott Emerson, Bill Sanders and Estelle DeVooght

OTHERS: Doug Riley, Director of Planning & Research and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER/ROLL CALL

Vice-Chair Mike LaPointe called the Public Hearing to order at 6:00 PM.

II. PUBLIC HEARINGS

A. Conditional Use #65 – Joe Gasper – 3003 M-28 East
Dune Overlay District Application

Doug Riley reported that letters were sent out to all neighboring residents within 300 feet and he heard from several. (Three noted comments relayed to the Commissioners). No one had any objection. Some noted they were appreciative of the notice.

Joe Gasper apologized for coming to the meeting in uniform, but he was just taking time off work and had to return after the meeting. He also thanked the commissioners for the quickness of taking care of his request, and for answering all of his questions. He noted that there were no changes in his plans from what was turned into the commissioners.

Mike LaPointe closed the Public Hearing at 6:05 P.M., and called the Special Meeting to order. He noted that Bill Sanders, Estelle DeVooght and Scott Emerson were absent.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor Moved, Tom Shaw Seconded that the Agenda be approved as presented. Aye 4, Nay 0. Motion approved.

IV. PUBLIC COMMENT None

V. OLD BUSINESS None

VI. NEW BUSINESS

A. CONSIDER – CONDITIONAL USE #65 – JOE GASPER – 3003 M-28 EAST – DUNE OVERLAY DISTRICT APPLICATION

Joe Gasper stated that he would not take any vegetation out except for what is needed for installing the foundation. They do want to clean up the dead trees. He will plant the dune grass as requested, and wants to leave the vegetation natural.

Mike LaPointe stated that he has been at the site and sees no problems.

Steve Kinnunen noted that Lake Superior is at a low level right now, and at some point it will rise, and by protecting the dune area Mr. Gasper will be thankful in the future. Protecting the dune is important.

Ken Tabor Moved, Tom Shaw Second that after review of Conditional Use request #65; the standards of Section 218 and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #65 with the following conditions:

- 1) That the disturbed areas of the foredune be rehabilitated with dune grass plantings at a rate of 1 clum (clump) per square foot of disturbed area following completion of the home construction.
- 2) That the applicant obtain a Zoning Compliance Permit from the Township Zoning Administrator.

It is also a suggestion by the Planning Commission that the applicant utilize some type of stairway or wood pathway system for his beach access in order to limit foot traffic erosion.

Aye 4, Nay 0. Motion Carried.

Mike LaPointe noted that this system seems to be working, the neighbors appreciate the notification, and it educates the property owner on dune protection.

VII. PLANNING DIRECTOR'S REPORT

Doug Riley reported that Mark Maki has given his retirement notice to the Board with a June 27, 2002 date. It will be considered at the Board Meeting on Monday, June 17, 2002. Mr. Maki has stated that he will help out part-time during the transition period through July.

Doug Riley thanked the commissioners for coming to this Special Meeting. Riley also feels that this system is working great. The responses from the neighbors involved are very positive. Every situation they get will be different, and it helps if the commissioners are able to go to the site and look at it firsthand.

Steve Kinnunen noted that this was a unique situation and the neighbors are in close proximity. There was some confusion with taking the measurements. He suggested implementing some extra wording on the application regarding measuring the area with the Zoning Administrator.

Doug Riley agreed that the application should be changed.

Tom Shaw stated that we need to have someone measuring who is familiar with the erosion hazard line, whether it be the Zoning Administrator or someone else. He said in time (high water level) they will be glad they have trees in front of the house.

VIII. PUBLIC COMMENT None.

IX. COMMISSIONERS COMMENT None

X. ADJOURNMENT

Vice-Chair LaPointe adjourned the meeting at 6:20 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 8, 2002

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

ABSENT: None

OTHERS: Doug Riley, Director of Planning and Research, Cathy Phelps, Recording Secretary, and Mark Maki, Zoning Administrator.

I. MEETING CALLED TO ORDER

Chair Bill Sanders called the meeting to order at 7:30 PM.

II. PUBLIC HEARINGS None

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght Motioned, Ken Tabor Seconded that the June 3, 2002 Minutes be approved with the deletion of the second sentence in VIII Planning Director's Report. Aye 7, Nay 0. Motion approved.

Mike LaPointe Motioned, Ken Tabor Seconded that the June 13, 2002 Minutes be approved as presented. Aye 7, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Moved, Scott Emerson Seconded that the agenda be approved as presented. Aye 7, Nay 0. Motion approved.

V. PUBLIC COMMENT None

VI. NEW BUSINESS

A. CONSIDER –CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM- FINAL PLAN

Mike LaPointe asked if the Health Department has been notified regarding having the project approved for suitability of the soils and groundwater supply? Scott Hubbard said they were contacted about a week to ten days ago. He asked if the Planning Commission would consider having a Special Meeting for them one they have the Health Department approval. Bill Sanders asked the Planning Commissioners if they would be available in two weeks or so? Scott Emerson said he would be out of town, Mike LaPointe said he would meet if we could work around everyone's schedules. Ken Tabor said he would be available.

Steve Kinnunen questioned the review by the Township Attorney. Doug Riley asked if the commissioners want to meet before or after the attorney reviews the Master Deed and By-Laws? It has not been sent to the attorney as of this date. He noted that it should only take three or four days for the attorney to review it. Bill Sanders noted that it does not matter to him if the attorney has reviewed it before the special meeting. Mike LaPointe and Ken Tabor also stated that it does not matter to them.

Bill Sanders said when Glen Van Neste and Scott Hubbard have everything ready then the Planning Commission would have a special meeting. Glen Van Neste asked why the Planning Commission will not act before getting the okay from the Health Department? The Planning Commission is only interested in the layout and setbacks, so why the wait? Bill Sanders noted because the Ordinance says we cannot act without their approval. Scott Emerson noted that it would be a waste of their time if they had a special meeting and then the Health Department turned it down. It has happened before, but he does not remember the exact case. Glen Van Neste wants them to see the developer's view. Steve Kinnunen noted that these lots were approved months ago. He asked why they waited in

going to the Health Department? Scott Hubbard noted that the Health Department has some new rules they must follow.

Bill Sanders questioned who would be responsible for the sewer system? Glen Van Neste said each site would have their own individual septic system. He asked if other issues could be discussed to get them out of the way?

Bill Sanders mentioned the setbacks and where measurements should be taken from.

Glen Van Neste noted unit #1 and the encroachment. He said this affected the owner and the developer, they have met. They will be adding a long, narrow triangle to the owners parcel. Van Neste noted that surveying had been done incorrectly at one time, and the owner may have measured from old flagging. Scott Emerson noted that he is confused by where the buildings are plotted. Doug Riley said the dotted lines are the setback lines and show where the buildings can be built.

Bill Sanders mentioned that the Township is working on down-lighting. He said Doug Riley or Denny Magadanz could give them the specifications on the new lights and suggested these be incorporated into the project. Scott Emerson explained that the lights along Ontario Street in Marquette Township were the types of lights Chocolay Township would like to see installed. He asked if all the utilities would be underground? Scott Hubbard said yes, they were underground.

Scott Emerson questioned if the commons area was the shaded area? He asked if there would be a 100-foot waterfront setback and a 30-foot buffer strip from the water's edge? He noted that he would like to see the flood plain be part of the common's area. Scott Hubbard said there is a large area of access to the Chocolay River that is the commons area. Doug Riley noted that this is the first time we have worked with a site condo under our new regulations. We need to look at the Ordinance and what additions need to be made for site condos and common areas. He encourages the review along with cluster zoning. Bill Sanders said that it is up to the developer to decide how he wants the commons area used. It is his choice. He asked Scott Hubbard why he is choosing dusk to dawn lighting? He noted that Chocolay Township is trying to cut down on light pollution. He noted that he lives where there are few lights, and during the recent meteor shower, he was able to see it clearly. Scott Hubbard noted that his reasoning was that there are lots of kids out after dark. He said Alger Delta will install the lights, rather than putting in the more expensive types. Bill Sanders said the problem with them is that you cannot turn them off when not needed. Scott Hubbard agreed and said he understood. Scott Emerson suggested checking out the new lights, they look very nice, and are not glaring.

Bill Sanders questioned time-sharing and leases. He wondered if would be like a Bed and Breakfast arrangement? Doug Riley noted that the Condo Act required that this language must be included. Scott Hubbard said they are individual, single-family homes only.

Bill Sanders brought up the special meeting again. Doug Riley asked how long it would take for the Health Department to approve it? Scott Hubbard did not know how long it would take. Doug Riley noted that changing the meeting time might be an option also. Bill Sanders suggested either July 25th or the 29th at 5:30 at the Township Hall or at the Community Center.

B. CONSIDER – ANNUAL ROAD RANKINGS

Doug Riley noted that he and Denny Magadanz traveled about 100 miles looking at roads. Bill Sanders noted that the Green Garden/Greenfield Road project should be done at the same time as the Green Garden bridge replacement, unless the Planning Commission decides other roads are more important. This opportunity can save the Township money by piggybacking projects. Scott Emerson feels that West Main Street is in need of repair. Bill Sanders also noted that County Road 545 is in bad shape. Doug Riley noted that it is a high priority for the County and they get Federal Funds for it as it is a County Primary Road.

Mike LaPointe asked how far can we go with the Township match? If we did the piggybacking of Greenfield/Green Garden and Green Garden bridge, would that use all

of our funds? Denny Magadanz noted that it would be a big portion of the funds. Greenfield Road to Mangum Road is in terrible shape, and it would be a big savings if they were done at the same time. Mike LaPointe said it makes sense, and will save the Township money in the long run. He asked if we could do another project also (West Main Street)? Doug Riley said we can make the request. He noted that Denny Magadanz has all the preliminary numbers in his office. Scott Emerson suggested changing Green Garden to #1, and West Main to #2.

Bill Sanders suggested leaving them as is, and make the recommendation to the Board to do Greenfield/Green Garden roads along with the bridge if there is a significant cost savings.

Tom Shaw noted that Silver Creek and West Main are both narrow and bumpy. They are both high traffic roads.

Scott Emerson Motioned, Ken Tabor Seconded that the Planning Commission approves the road ranking for the 2003 budget as submitted with West Main Street having the top priority, unless Green Garden Road and Greenfield Road can be coordinated with the bridge replacement and significant cost savings can be realized, then this project would get first priority.

Aye 7, Nay 0. Motion approved.

C. CONSIDER – 2003 PLANNING COMMISSION BUDGET

Doug Riley noted that under the Professional Services category, the \$1,000 should be changed to \$3,000. All agreed raising it to \$3,000.00.

Scott Emerson noted that they have not been paid for sub-committee meetings. If it can be only one or the other, he would rather see the money used for professional services.

Bill Sanders asked if the GIS amount of \$750.00 was sufficient? Doug said yes, that there was a lot of help with that from CUPPAD. There was discussion regarding training courses and conference fees. Bill Sanders asked if we need more training to be able to use it? Steve Kinnunen and Bill Sanders suggested we raise it to \$1,000.00.

Doug Riley questioned the members regarding raising Publications and Memberships. Bill Sanders asked for recommendations of changing educational magazines. Doug Riley suggested the *Planning and Zoning News* instead of the *Michigan Planner*. Steve Kinnunen also recommended it, stating they had some great articles regarding junkyards and urban sprawl recently. Scott Emerson noted that one publication would be enough. Scott Emerson would like to see a pamphlet made up to preserve green areas. We could give them to developers, and it would be part of the educational process for all involved. They discussed and decided to increase Publications from \$150 to \$500 in order to obtain the *Planning and Zoning News*.

Aye 7, Nay 0. Motion approved.

VII. THANK YOU TO MARK MAKI

RESOLUTION

WHEREAS, Mark Maki has served the citizens of Chocolay Township for over 27 years in the capacities of Assessor, Director of Land Use Management and Zoning Administrator; and

WHEREAS, Mark Maki has been instrumental in the planning and zoning efforts of the Township while performing these duties and with his service as staff liaison to the Planning Commission for 14 years and to the Zoning Board of Appeals for 25 years; and

WHEREAS, Mark Maki was instrumental in completing the Township's Comprehensive Plan, Zoning Ordinance and numerous other planning documents and ordinances; and

WHEREAS, Mark Maki has also served on various Planning Committees such as the Ad Hoc Trails Committee and the Marquette County Planning Commission and Construction Board of Appeals; and

WHEREAS, the Chocolay Township Planning Commission extends to Mark Maki its sincere gratitude for his serving the Township faithfully and well and offers its heartfelt thanks for helping to improve the Chocolay Township Community.

THEREFORE, BE IT HEREBY RESOLVED, That this resolution of appreciation be presented to Mark Maki for his years of dedicated service to Chocolay Township.

All members of the Planning Commission signed the Resolution, and presented it to Mark Maki.

Bill Sanders presented the resolution in a frame to Mark Maki. He thanked Mark Maki, and noted how the Township appreciates all the work he has put in to keep this community a wonderful place to live.

Scott Emerson noted that being a zoning administrator is a tough job and can cause a lot of animosity towards you. He thanked Mark Maki for being so gracious under all that pressure. We will have some big shoes to fill now that Mark Maki is leaving. Scott Emerson stated that Mark Maki has had a powerful voice and hopes that Mark will continue to sound off that voice as a citizen of Chocolay Township.

Steve Kinnunen asked Mark Maki if he would be available if the Township needed to call on him. Mark said he would be available.

Mike LaPointe noted that it is a hard job, and you don't make many friends in the process

Mark Maki thanked the Planning Commission for their comments and the presentation. He noted that there is lots of work, and thanked the members of the Zoning Board of Appeals and the Planning Commission members for working with him. The Township needed a new plan back in the 60's and 70's. At that time many people worked to set down the foundation. They fought the earliest battles. Maki feels this is the nicest Township to live in and property values have risen. He has been given a great opportunity, and had to take advantage of it. The 27 years working for Chocolay Township has gone by very fast.

VIII. SUB-COMMITTEE REPORTS None

IX. PLANNING DIRECTOR'S REPORT

Doug Riley mentioned that at the next meeting we will discuss the guidelines for public participation at public meetings.

X. PUBLIC COMMENT None

XI. COMMISSIONER COMMENT

Mike LaPointe asked if the complaints that were brought up in court, noted in the Zoning Board of Appeals Minutes for June, had been followed up on and letters sent out?

Mark Maki said there were four or five complaints brought up as part of the defense in the court case. Some letters have gone out regarding the complaints, some had no merit, and he sent a few letters of inquiry.

XII. INFORMATIONAL ITEMS

Scott Emerson asked Mike LaPointe questions regarding indicators of pollutants to local waters.

XIII. ADJOURNMENT

Chair Sanders adjourned the meeting at 8:40 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
AUGUST 12, 2002**

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Mike LaPointe, Scott Emerson and Steve Kinnunen

Absent: Tom Shaw

Others: Doug Riley, Director of Planning and Research

I. MEETING CALLED TO ORDER

Chairperson Sanders called the meeting to order at 7:33 p.m.

II. PUBLIC HEARINGS

Rezoning #122 - Wotring - M-28 East, west of Dana Lane - R-1 to C-3

Chairperson Sanders opened the public hearing at 7:33 p.m.

Planning Director Riley gave a brief overview of the proposed rezoning request. The request is to rezone four (4) vacant acres from R-1 (Residential) to C-3 (Commercial/Light Industrial). This property is located on the south side of M-28 between Timbercrest Nursery and Dana Lane. Planning Director Riley reviewed the map of the area noting the surrounding zoning and land uses. The applicant has indicated that he is seeking the C-3 zoning in order to construct mini-warehousing on the parcel, however, Planning Director Riley cautioned that the Township cannot condition a rezoning on a specific land use but that if the property is rezoned it would be eligible for any permitted C-3 uses.

Roger Wotring - (Applicant) - E-813 Hwy. M-28 - gave a lengthy presentation on his rezoning request. Mr. Wotring provided the rationale for his request and stated that his only interest in the parcel was for mini-warehousing. In order to demonstrate this he has also already submitted a conditional use application for mini-warehousing. Mr. Wotring presented a map showing the buffers he would leave to the adjoining residential neighborhood and a poster containing reasons why he believes the Planning Commission should recommend approval of his request. Mr. Wotring explained the improvements that he has made to his existing business in Deerton named Roger's Classic Cars. He stated that this proposed business will not be an eyesore. Mr. Wotring read from a handout he provided the Planning Commissioners and referred to the Planning Commission portion of the Township's website and their obligations as referenced there. Mr. Wotring also read the intent section of the R-1 District and indicated that he would even be in compliance with this. There would be no pollutants allowed on the property.

Mr. Wotring indicated that if he does anything other than mini-warehousing on the property, he would deed the property over to the Township.

Mr. Wotring reviewed his arguments for approval as contained on his poster which stated:

- Clean up property to compliment area.
- Preservation of trees on east property line.
- Privacy fencing - Colored green.
- Front entry gate with pass card security system.
- Very minimal traffic.
- No pollutants.
- On-site retention ponds.
- Night motion lighting - Defused away from residential properties.
- No septic or ground water usage.

Mr. Wotring read the recommendation from Planning Director Riley's memorandum and thought it was unfair that he recommended denial.

Charles Hudson - 104 Dana Lane - Mr. Hudson indicated that he has lived here for 23 years and previously cleaned up this property. He is 100% against the proposed rezoning. It is right behind his home and there is no buffer. He believes Mr. Wotring's business in

Deerton is an eyesore. Indicated that there is already enough noise and disruptions to the Dana Lane neighborhood.

Gordon Uren - 116 Dana Lane - Mr. Uren indicated that his property abuts the property in question. He is opposed to the request because he fears the applicant will do exactly as he proposes. Fencing does not screen. There would be no monitoring or regulating. There would be noise and lights 24 hours a day. He does not feel it would be in compliance with the Comprehensive Plan or the Zoning Ordinance. The second scenario is what if the applicant does not do what he says? Once it is zoned C-3 it is C-3 and can be used for many other uses. The Township can not contract zone. Mr. Uren presented photographs taken of other existing C-3 Districts and all of the photos were taken from R-1 District properties. All of these uses and outdoor storage would be permitted. Mr. Uren indicated that he had lived at his residence for 25 years. Most of the commercial in the area was not there, or has changed, since he moved there. Who knows what else might come to this property five to ten years in the future.

Bob Harrington - 1467 E. M-28 - Mr. Harrington indicated that he has lived here 29 years. He is concerned with the vehicle traffic. He lives straight across M-28 from the property and headlights would hit his house. Regardless of what is proposed now, businesses change over time.

Kim Erickson - 120 Dana Lane - Mr. Erickson presented photos to the Planning Commission of other existing C-3 Districts. This property can be sold or used differently than from what is proposed. He witnessed a meteor shower the other night and he could lose this ability if additional lighting is proposed on this property. This is really a quality of life issue.

Dale Ollila - 105 Dana Lane - Against the rezoning for the reasons given.

Paul Fleischman - 112 Dana Lane - Mr. Fleischman indicated that he just bought his property and would not have bought it if he had known this property would be rezoned to C-3.

Barbara Glass - 101 Dana Lane - Against rezoning.

Cecilia Fleischman - 111 Dana Lane - Ms. Fleischman indicated that she just bought her home and would not have bought it if she had known this property may go to C-3. Concerned about her property value.

William Beckman - (Property Owner) - 1719 Woodland, Marquette - Mr. Beckman indicated that it appears that all of the adjoining property owners want him to leave this property as is in order to protect theirs. There are still laws of review even if the property is rezoned. It certainly is not fair that he has to leave his trees.

With no further public comment, Chairperson Sanders closed the public hearing at 8:22 p.m.

Conditional Use #60A - Silta - Mini-Warehousing - Corner of US-41 and S. Big Creek - Request for amendment of original approval.

Chairperson Sanders opened the public hearing at 8:23 p.m.

Christal Silta (Applicant) gave a brief overview of her request to amend her original conditional use permit. She believes this new proposal is much more desirable because the buildings are away from the residential.

With no further public comment, Chairperson Sanders closed the public hearing at 8:26 p.m.

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght moved, Ken Tabor seconded that the July 8, 2002 Minutes be approved as presented.
Aye 6, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Mike LaPointe seconded that the agenda be approved as presented. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT None

VI. OLD BUSINESS

A. CONSIDER –CHOCOLAY WOODS – PROPOSED SITE CONDOMINIUM- FINAL PLAN

Planning Director Riley indicated that Mr. Hubbard had obtained Health Department approval of the proposed Site Condominium project. The Township Attorney has also reviewed the project and his comments were forwarded to the Planning Commission. That review did not discover anything really new but indicated the items that needed to be addressed prior to final approval of the project by the Township Board.

Scott Emerson moved, Ken Tabor second, that the Planning Commission approve the final site condominium plan for Chocolay Woods with the following conditions:

- 1) That the developer address the points contained in the Township Attorney's letter of July 29, 2002, prior to Board approval of the Final Plan.
- 2) That the developer amend the By-Laws to encourage/require downward directed shielded dusk to dawn lights.

Aye 5, Nay 1, Motion Approved.

B. CONSIDER – AMENDMENT TO BY-LAWS - ADDITION OF PUBLIC PARTICIPATION POLICY (Handout for meetings)

Chairperson Sanders explained the rationale for the public participation policy and the need to make the rules clear and available to the public. Emerson indicated that these policies were largely a written document outlining the way meetings have been conducted by the Planning Commission. The key is to make them available as a handout, along with the agendas, for the meetings.

Ken Tabor moved, Steve Kinnunen second, that the Planning Commission amend Article XI (Rules of Order) of the Planning Commission By-Laws to add the attached Public Participation Policy which will be utilized for future meetings.

Aye 6, Nay 0. Motion Approved.

VII. NEW BUSINESS

A. Rezoning #122 - Wotring - M-28 East, west of Dana Lane - R-1 to C-3

Chairperson Sanders thanked Mr. Wotring for his presentation. He also stated that he does not doubt his stated intent for what he desires to construct on his property. However, Michigan law does not allow contract zoning, it is illegal and the Planning Commission must look at all allowed uses on the property. Stated that he believes that some of the permitted C-3 uses are not compatible to the residential abutting this property.

At the request of the Planning Commission, Planning Director Riley reviewed the Township Comprehensive Plan Decision Map and explained the overlay category of properties designated for "Intensive Use" and read page 140 of the Comprehensive Plan.

Steve Kinnunen moved, Mike LaPointe second, that following the review of Rezoning request #122, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #122 to the Township Board to rezone said property from R-1 to C-3 due to:

- 1) It would be contrary to the guidelines of the Comprehensive Plan.
- 2) The rezoning would allow light industrial in very close proximity to the existing residential development to the east.

3) The property can be reasonably utilized under the existing R-1 zoning.

Aye 6, Nay 0. Motion Passed

Scott Emerson indicated that a lot of very valid points have been made and he likes a lot of what Mr. Wotring proposes. We also need to give due consideration to the residents that live in this neighborhood 24/7. It is too bad that there is not some other alternative. If he lived in that neighborhood, however, he probably would not feel it is appropriate either.

Sharon Wotring (Applicant) - Stated that other trees could be planted, perhaps hardwoods. It will be very secure. They would provide extra buffers. Someone could build a house on it and cut down all the trees.

William Beckman (Property Owner) - If he cuts all the trees down on the property, the residents will already have the view of C-3.

Chairperson Sanders called a 5 minute recess at 8:50 p.m.

Chairperson Sanders called the meeting back to order at 8:55 p.m.

B. Conditional Use #60A - Silta - Mini-Warehousing - Corner of US-41 and S. Big Creek - Request for amendment of original approval.

Planning Director Riley reviewed the proposed changes from the original plan. Staff's only concern was in regards to drive access to the property. Planning Director Riley met with MDOT's Chuck Lindstrom at the property and reviewed the drive alternatives. The two best scenarios are to either construct the drive access off from Big Creek Road or utilize the existing drive to the north in front of the Manthey property. This would result in no new access being constructed off from US-41.

Mike LaPointe moved, Bill Sanders second, that after review of Conditional Use request #60A and the standards of Section 701 and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #60A with the following conditions:

- 1) That any lanes providing access to storage doors be left with a 20' unobstructed area to allow customer access/maneuvering as well as for providing access for emergency vehicles.
- 2) That the applicant provide the Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 3) That the proposed security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
- 4) That drive access shall be off from S. Big Creek Road via a frontage road concept or shall utilize the existing drive on the parcel to the north as permitted by the Michigan Department of Transportation or the Marquette County Road Commission as applicable.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Bill Sanders asked to add a condition that the applicant submit the lighting fixture details for staff review against the Ordinance standards prior to placement. This additional condition was added to the motion.

Aye 6, Nay 0. Motion Passed.

C. Site Plan Review #02-1 - Parkway Motel - Renovation of Motel Site - Parking/Landscaping Modifications

Planning Director Riley provided a brief overview of the history of the project and why the site plan is now in front of the Planning Commission. Overall, staff is very pleased with the improvements to the property as part of the motel conversion to a Knights Inn franchise. There are three site plan elements that the Planning Commission is reviewing. The parking lot expansion, landscaping, lighting.

Scott Emerson indicated that he believes the changes that have been made are a positive addition to the US-41 commercial corridor. He also likes the idea of changing over all of the parking lot light fixtures to the new cut off style. Perhaps an agreement can be made to change over to the new style within 18 months.

Steve Wahlstrom (Applicant) - Stated that he could agree in principal to this but would need to know more of the details (costs, etc.).

Scott Emerson indicated that he was aware of some of the problems the large pines pose for buildings with falling limbs, etc.. Suggested the planting of some oak trees within some of the landscape areas.

Steve Wahlstrom indicated that he will do some more landscaping but it is a money issue at this point. He has a landscaping plan from Timbercrest that he would like to implement as money becomes available.

Bill Sanders suggested a condition that the lights should eventually change over.

Scott Emerson suggested changing over the new lights first.

Steve Wahlstrom stated that he would rather change over the old lights first since they were more visible.

Bill Sanders moved, Scott Emerson second, that after review of the standards of Section 504 and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Site Plan Review Request #02-1 with the following conditions:

- 1) No additional changes or expansions to the parking area are permitted without first going through site plan review.
- 2) No truck or vehicle parking other than what is ancillary to the motel or restaurant is permitted.
- 3) That the new parking lot lights will be converted within nine months.

Aye 6, Nay 0. Motion Passed.

VIII. SUB-COMMITTEE REPORTS: None

IX. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Corridor Plan - Maps displayed on wall.
- 2) Cluster Zoning - Private Roads
- 3) Revenue Sharing
- 4) Community Center Millage
- 5) Letter from MDNR Director regarding railroad grade.

X. PUBLIC COMMENT

Roger Wotring asked the Planning Commission why he was not given a chance for rebuttal to the property owners comments? Why wasn't I recognized? This was not fair. Mr. Wotring indicated that residents are using the property now. He hopes Mr. Beckman now chops every tree down on the property. That's his right. Mr. Beckman cannot use his property for commercial or residential. Mr. Wotring indicated that he will file a formal complaint because he could not offer rebuttal during the meeting. There are no other C-3 parcels for sale. He reviewed the other C-3 parcels in the Township. Chocoy Township is not a progressive community as they proclaim. All of the property owner responses were picky. Why is the Planning Director and the Department of Transportation doing engineering for the other applicant? Indicated that his stuff and cars at his business are not junk. Why did the Planning Commission allow a medical waste facility at the Varvil Center?

Sharon Wotring again asked for the rationale for the denial and reviewed their arguments for the commercial rezoning.

XI. COMMISSIONER COMMENT

Chairperson Sanders asked Planning Director Riley whether Mr. Wotring had paid for a conditional use application, and if so, should it be refunded? Mr. Riley indicated that he had not paid the fee he only submitted the application.

Discussion ensued regarding the Community Center and the millage defeat. Chairperson Sanders recommended Planning members attend the Board meeting on the 19th where this item will be discussed.

XII. INFORMATIONAL ITEMS

XIII. ADJOURNMENT

Chairperson Sanders adjourned the meeting at 10:20 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
OCTOBER 14, 2002**

Present: Commissioners: Ken Tabor, Estelle DeVooght, Mike LaPointe, Scott Emerson and Steve Kinnunen

Absent: Bill Sanders and Tom Shaw

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration

I. MEETING CALLED TO ORDER

Vice-Chair LaPointe called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS : None

III. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Ken Tabor second, that the August 12, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor moved, Steve Kinnunen second, that the agenda be approved as presented.

Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Doug Riley read a letter dated October 7, 2002 from John Smith that was submitted to the Planning Commission that he requested be read during Public Comment. The letter pertained to contractor yards and commercial vehicle parking and complaints regarding the Township's handling of these issues.

Mark Maki, 370 Karen Road, Mr. Maki refuted several points made in Mr. Smith's letter regarding enforcement actions and costs. Mr. Maki also addressed additional zoning violations that still need to be addressed and that he would provide a list.

Cathy Peterson, 6341 US-41 South, Commented on Mr. Maki forgetfulness as related to his handling of her address for her home.

VI. OLD BUSINESS - None

VII. NEW BUSINESS

A. Presentation - Sam Ledebuhr - Eagle Scout Project - Brower Property

Sam Ledebuhr gave a 20 minute power point presentation on his Eagle Scout Project for the Brower property. Mr. Ledebuhr also presented a black bear informational display to the Planning Commission that will be put up on the Brower property.

The Planning Commission thanked Mr. Ledebuhr for all the hard work that he has completed in putting together a good plan for the Brower property. The Planning Commission complemented all those that were involved in this project.

B. Consider - Private Road Request #17 - Shimon - Waiver request to cul-de-sac requirement

Planning Director Riley gave a brief overview of Ms. Shimon's waiver request to reduce the standard cul-de-sac size as she can now only construct one home off the private road per the Zoning Board of Appeals condition. Therefore, the private road largely functions as a private driveway.

Ms. Shimon indicated that she proposes to construct a 40' x 40' gravel turnaround at the end of the road in place of the standard cul-de-sac.

Ken Tabor moved, Scott Emerson second, that the Planning Commission recommend approval of Ms. Shimon's cul-de-sac waiver request with the condition that the Fire Department comment on her proposal prior to Board action.

Aye 5, Nay 0, Motion Approved.

C. Update on DNR Planning Meeting for Railroad Grade

Scott Emerson gave the Planning Commission an update on the DNR's first "Advisory Committee" meeting regarding the Wisconsin Central Railroad grade that was held on October 10th. Mr. Emerson indicated that the meeting was not held in expected fashion according to the guidelines of the Michigan Trailways Act and the DNR's own promises. The advisory committee went into an "emergency mode" at the first meeting on the need for an East to West snowmobile route across the U.P.. The advisory committee made a quick vote to recommend that the grade through Chocolay Township be utilized as a snowmobile route yet this winter on a "test basis". This recommendation was made despite Mr. Emerson's objections as the representative from Chocolay Township on several grounds.

D. Update on Community Center

Lee Snooks gave the Planning Commission an update on the Community Center and the activities that are occurring. He also invited the Planning Commission to attend the public forum on the Community Center scheduled for Wednesday, October 23rd at 7:00 p.m.

E. Update on US-41 Corridor Plan

Planning Director Riley gave the Planning Commission a brief update on the Corridor Plan and the fact that U.P. Engineers and Architects has been selected to complete the mapping and design work based upon the two proposals that were submitted in response to the request for proposals. They will be working on the project over the next few months.

Cathy Peterson, 6341 US-41 South, expressed her concern that Planning Commissioner Bill Sanders works for U.P. Engineers and Architects and she believes this could be a conflict of interest.

Doug Riley indicated that Mr. Sanders would probably not be able to vote on the Corridor Plan decisions as a Planning Commission member while the project is being completed.

IX. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Rezoning #122 - Wotring
- 2) Gibbs Well Testing
- 3) Street Lights
- 4) LaJuenesse Home Occupation Application to ZBA
- 5) Request for review of 300' notification requirement for rural areas

X. PUBLIC COMMENT - None

XI. COMMISSIONER COMMENT

The Commissioner's discussed sending out appropriate thank you letters to Sam Ledebuhr and all others involved in the Browers Property project.

XII. INFORMATIONAL ITEMS

XIII. ADJOURNMENT

Vice-Chair LaPointe adjourned the meeting at 9:00 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
DECEMBER 9, 2002**

Present: Commissioners: Ken Tabor, Estelle DeVooght, Mike LaPointe, Bill Sanders and Tom Shaw

Absent: Scott Emerson and Steve Kinnunen

Staff: Doug Riley, Director of Planning and Research, Randy Yelle, Zoning Administrator and Denny Magadanz, DPW Supervisor.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor moved, Mike LaPointe second, that the October 14, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders noted that in New Business he asked to be excused as Chair as he is presenting the US 41 Corridor Plan. At this time Mike LaPointe will take over as Chair for the Planning Commission meeting.

Doug Riley asked the Planning Commissioners if they would prefer to move the Planning Commission meetings for 2003 from 7:30 to 7:00 P.M? They discussed the change and decided to leave it at 7:30 P.M. for 2003.

Mike LaPointe moved, Estelle DeVooght second, that the agenda be approved as presented and the 2003 meeting schedule remain at 7:30 P.M.

Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Bill Sanders asked if anyone wanted to reserve time, limited to 5 minutes, for any of the New Business items? John Smith asked for time to speak during (D) Joint Board/Planning Commission Meeting in January. John Sandin asked for time to speak during (C) Railroad Grade – Court Hearing.

VI. NEW BUSINESS

A. Presentation/Discuss – US 41 Corridor Plan

Mike LaPointe took over as Chair. Bill Sanders from UP Engineering presented the draft project plans for the US 41 Corridor. He stated that the reasons for looking at improving this corridor are safety, increase the capacity of the highway, aesthetics, and better snow removal. Bill Sanders explained the plans through the entire corridor. The primary focus would be on the left-hand turns, which are the main cause of car accidents in the Township. He stated they would have a five-year plan and a twenty-year plan. For the five-year plan, the north side of the highway 51 driveways would be reduced to 37. It would make this section of US 41 much safer. They are looking at developing a connecting road behind the businesses near the rock cut to make accessibility safer. Sanders also explained the possible frontage roads on the corner of US 41 and M-28. The MDOT highway engineer will review this plan for compliance before any further action is taken.

Tom Shaw asked about the width of the new projected corridor? Bill Sanders said the current width is 65' and the plans for the new road would be 105' at the widest section. Tom agrees with the plan to reduce left turns for safety reasons.

Doug Riley explained the conceptual plan is for twenty years, but UP Engineers were also asked to come up with a five-year plan. This plan will be forwarded to the County Road Commission and MDOT. Then the Township will look at the final draft and have a Public Hearing before considering adopting the plan. To get grant dollars, we must have a plan in place. It also helps us (the Township) as properties re-develop.

Mike LaPointe asked if MDOT would allow an access road within the right of way? Doug Riley said they could by going through a process.

Snow removal was discussed. Bill Sanders noted that we have good winter maintenance of the roads here, but as it is the center lane can be dangerous. With the boulevards it may be kept cleaner and safer.

Estelle DeVooght noted it would take longer to make these crossovers in comparison to just making a left turn. Bill Sanders said in making a left turn you have to wait for oncoming traffic, and in making a merge move with traffic it is much safer than crossing traffic.

Bill Kimmes stated that Marquette Township wishes they had some frontage roads connecting businesses. It is expensive to change the road system after the businesses have been developed.

Doug Riley noted that we are working closely with Marquette Township and MDOT as part of the Corridor Management Team. Doug Riley asked Lee Blondeau how this corridor plan would affect his trucking business? Lee Blondeau noted that it could be a traction problem for his trucks on the turns. He noted that frontage roads are the best solution and control on the number of access turns off the corridor.

Mike LaPointe thanked Bill Sanders for the presentation and said he thought we were off to a good start. Bill Sanders said any additional comments should go to Doug Riley before December 23rd. Doug Riley stated that he will give this information to Steve Kinnunen and Scott Emerson so they can comment before it goes to MDOT.

B. Introduction of New Zoning Administrator

Chair Bill Sanders introduced Randy Yelle as the new Zoning Administrator. Doug Riley noted that Randy has been working for about a month now, and was able to go to one Zoning Board of Appeals meeting. Randy Yelle is a good addition to the Township.

C. Update - Railroad Grade –Court Hearing

Doug Riley gave an update on the court hearing held Wednesday, December 4th. The Township requested a preliminary injunction, and the DNR was granted a week extension. On December 11th Judge Solka will make a decision. The Township presented a brief regarding local zoning. Testimony was given by Ivan Fende regarding other routes for the snowmobile trail, Mark Maki gave testimony regarding zoning and property values, and three other residents gave testimony regarding the nuisance elements. Doug Riley noted that the Michigan Townships Association may help us in this court matter as appropriate.

John Sandin stated there are 10 signs near his home for snowmobiles within a 800' span. He said it looks like a snowmobile freeway. This is in a residential area. He thinks it is ridiculous. We need to have some enforcement on our zoning laws. Can we propose speed bumps along the trail; after all automobile traffic has speed limits? It is not safe.

D. Joint Board/Planning Commission Meeting in January

John Smith stated that (1) Bob LaJeunesse, Jr. was not pleased regarding the motion approved by the Zoning Board of Appeals that the Township can give a short notice and show up to inspect his property. They could call at midnight and show up. If you own lots of land, you should be able to do anything you want with it. You should be able to park any vehicles as long as people cannot see them. (2) Regarding the complaints made during the trial; John Smith feels the person making the complaint should be made to sign their name. There may be a personal neighbor problem and people could make complaints without giving their name. Unless the Township gets two or three

complaints, he does not feel that action should be taken. John Smith does not like anonymous complaints. (3) Regarding Carlson Tree Service; the equipment has been moved to another site. The Township needs to discuss this issue with both the Board and the Planning Commission and come up with a solution. (4) There are many hard working business people in Chocolay, some have businesses like Mr. Kimmes and park their work vehicles at their homes. They should not have to have a home occupation permit.

The Planning Commission determined to suggest to the Board a joint Board /Planning Commission Meeting for January 13, 2003 at 7:30 P.M. It was suggested that the Township Supervisor and Planning Commission Chairman set the agenda.

E. Expanded public hearing notice requirement for certain zoning districts

Doug Riley explained that there was a suggestion from the Zoning Board of Appeals for the Planning Commission to discuss and decide on this issue. This would not include all zoning districts, only the large districts (e.g. RR-2). The current notice requirement is 300' and the proposed would include all properties within 600'.

Estelle DeVooght and Mike LaPointe disagree with expanding the notice requirement in the different zoning districts like RR-1. They think it should be left at 300'. All commissioners agreed.

VII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) DEQ Coastal Management Grant was received.
- 2) Winter recreation – Denny Magadanz said the ski trail has been groomed and there are now hockey boards around the hockey rink at the Lions Field.
- 3) Randy Yelle's schedule is Tuesday and Thursday 9:00 A.M. to 3:00 P.M. plus some floating hours.

VIII. PUBLIC COMMENT - None

IX. COMMISSIONER COMMENT

Estelle DeVooght asked why Bob LaJeunesse, Jr. doesn't park his vehicles in his back parcel?

Lee Blondeau stated it is not right that the Township can inspect Bob LaJeunesse's property any time with a very short notice. Estelle DeVooght said as a farmer she lives with inspections done by numerous agencies without notice.

Bill Sanders said this was Zoning Board of Appeals decision and not the Planning Commission.

Lee Blondeau said the Zoning Board of Appeals was given a petition from all of Bob LaJeunesse's neighbors that parking of his commercial vehicles did not bother them. Bill Sanders noted that there is a process for all residents to go through with the Zoning Board of Appeals in approving a home occupation permit. Estelle DeVooght thought maybe there was something the Planning Commission could do to help Bob LaJeunesse with this issue. Doug Riley said parking of commercial vehicles in residential areas should be discussed at the joint meeting in January.

Bill Kimmes said he was concerned because he has commercial vehicles parked at his home, and many other residents are also concerned. Kimmes said the Township should be here to serve the people, not be against the people. He said he watched a Zoning Board of Appeals tape and feels that Bob LaJeunesse was treated badly at the meeting. Bill Sanders was surprised at Kimmes' comment. Bill Sanders is on the Zoning Board and said he feels Bob LaJeunesse was treated fairly, and was not treated unfairly. John Smith noted that the Planning Commission can change the ordinance language. John Smith videotaped the ZBA meeting and has a number of copies if anyone wants to view it. Bill Sanders said the Zoning Board of Appeals has a process that everyone has to go through for a variance or special permit, the process works. Everyone is treated the same. Bob LaJeunesse obtained approval. He did get less than what he was asking for, but he was approved. This happens to residents who come to the Zoning Board of Appeals.

People don't always get what they ask for. Bob LaJeunesse was granted permission to do part of what he was asking for. The process is not terrible as is the perception being touted. If we significantly change or eliminate the zoning ordinance, this Township would be in trouble. Ken Tabor said the Township has set limits for the good of all residents. Bill Sanders noted that he believes persons coming to the Zoning Board of Appeals are treated with dignity. Sanders said he is not ashamed of how Bob LaJeunesse was treated at the meeting, people are making this out to be worse than it really was. He asked John Smith why he was spreading this misconception?

Tom Shaw ended the meeting by saying that he is glad that everyone in this Township cannot do as they please, we need to have rules and regulations to live together in harmony.

X. ADJOURNMENT

Chair Bill Sanders adjourned the meeting at 9:20 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary