

Charter Township of Chocolay Planning Commission

Monday, June 7, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe and Tom Shaw.

Absent: Bill Sanders

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Text Amendment #04-01: a request to change the R-1 District in Sec. 10 T47N-R24W, parcel number 52-02-110-063-00, 3.67 acres, located between Timbercrest Garden Center to the west (C-3) and Residential (R-1) to the east to a Planned Unit Development District for the purpose of constructing a mini-storage complex.

Mike LaPointe open the public hearing advising those in attendance at the June 7, 2004 meeting that they will all have a chance to speak. He reiterated the request outlined in I. A. regarding text amendment. Mr. LaPointe then asked Dennis Stachewicz to provide an overview.

Mr. Stachewicz referred to his memorandum dated June 4, 2004 where he laid out the issues as to whether the Planning Commission should consider whether or not the PUD District will allow enough control over the proposed development to support the standards outlined in Section 508 of the Zoning Ordinance and not have a detrimental affect on the resident neighborhood to the east.

Mr. Stachewicz pointed out the following issues:

- The parcel is currently vacant and serves as a buffer to the residential area.
- The parcel has natural gas and electricity available there now.
- Water would be via private well; however, this is not needed for a mini-storage complex.
- The soil type information has been provided and if the request is granted, landscaping will have to be done to the parcel.
- The Comprehensive plan was cited as the site design is critical to this request.
- Another issue raised was future land use allocation.
- The history of requests for use of this parcel was discussed (more particularly the request by Roger Wotring in 2002) and the point made that the Planning Commission should discuss whether or not conditions have changed from previous denials for use of this property.
- There is not a landscaping or lighting plan outlined in this request of which Mr. Stachewicz believes is important.
- The site plan does not include building elevations, which should be addressed.
- "Spot" zoning was discussed.
- There has been no feedback from the residential area located near the parcel of land in question; nothing positive or negative in writing.
- Winter maintenance should also be considered.

Mr. Darwin Britton then addressed the Commissioners regarding his request. He provided photographs of what the proposed storage buildings would look like. He described the building materials, drainage and proposed landscaping. He outlined the proposed phases of building storage compartments. Mr. Britton is a grade foreman for Lindberg Gravel and, therefore, is knowledgeable of grading easement. He would like to put up an illuminated sign and use 2 lights with 50 watt bulbs per building, which will deflect to the buildings. The summer hours for the proposed mini-storage buildings would be 8:00 a.m. (EST) to 8:00 p.m. (EST). Mr. Britton owns a snow removal business and would take care of the snow removal himself at 8:00 a.m. or shortly thereafter.

Mr. Britton has an architect “standing by” and would provide the Commissioners with a plan within 2 weeks of approval. He stated that the elevation of the proposed mini-storage buildings would be comparable to Timbercrest.

Mr. LaPointe opened discussion to the public at this time.

Charles Hudson – 104 Dana Lane. His home would be located closest to the proposed buildings. His drain field is located close to the property in question. He stated that there is too much activity on Dana Lane as it is now. The jack pine trees to be used as a buffer for noise have very little branches. He is against building commercial on this property and would prefer to see a home built there.

Gordon Uren – 116 Dana Lane. Mr. Uren had several concerns. He quoted from the Zoning Ordinance that an R-1 zone is intended to be used for family housing. He quoted from Section 215 and 505 (Planned Unit Development) that the request does not meet the intent of zoning. He again quoted Section 1, 9 and 11 does not meet the standards for PUD. He referenced ground water contamination from misuse of the storage buildings, i.e.: changing oil on vehicles, etc. He believes this area to be “spot” zoning.

Charles Hudson – 104 Dana Lane. Mr. Hudson pointed out that he does not believe the footage for the parcel in question is correct.

Kim Erickson – 120 Dana Lane. Mr. Erickson also does not believe the footage outlined in this request is correct. He pointed out that he has attempted to purchase this parcel of land, however, it is priced as “commercial” property, thus too expensive.

Bill Beckman - 1719 Woodland in Marquette. Mr. Beckman said this parcel of land has been in the family for 100 years. He and his brother, Glen Beckman, would like to sell the property to Darwin Britton. They understand the concerns of the neighborhood, however, they feel they have the right to sell this property.

Glen Beckman addressed the issue of the footage in question and gave history as to the property lines for this parcel. He stated that they have been trying to sell that parcel for years and that no one wishes to purchase it to build a home next to Timbercrest.

There is 100 feet in question that is owned by Dana Varvil that was discussed with no resolution.

Estelle DeVooght asked if this land has been surveyed. Glen Beckman affirmed.

Mr. LaPointe agreed that there was a discrepancy in the footage of this parcel and this will be addressed. Public comment regarding this item was closed.

- B. Private Road #04-01: a request to construct and maintain a private road in Sec. 9 T47N-R24W off of Jennifer Lane across from Candee Lane, to serve development of 20.1 acres, parcel number 52-02-109-128-00.

Mr. LaPointe reiterated the request outlined in I. B. then requested that Dennis Stachewicz provide an overview.

Mr. Stachewicz pointed out the following issues:

- Eric Keough is the applicant.
- There is an area in the proposed cul-de-sac which is 5 feet lower than the grade of Jennifer Lane.
- Naming the private drive “Pine Cone Trail” has been researched and approved by the State Police Central Dispatch.
- The applicant is responsible for easements.
- This application is purely for the use as a private road and not a subdivision.
- Applicant will attempt to obtain a permit to construct at least one home. Said property would allow for four parcels to be purchased for constructing homes.
- Mr. Keough’s proposal meets the necessary requirements.
- The proposed road does not appear to have an impact on the neighborhood.

- Private roads usually get turned over to the municipality in the long run, which is why the design should be critically reviewed.

Mr. LaPointe asked if the applicant was in attendance and if he would like to address the Commissioners.

Eric Keough advised he owns 20.1 acres of land and provided photographs of the property. He is a licensed builder and realtor. The land is currently used by people for recreational purposes, i.e. dirt bikes, ATV's, etc.

The grade of the proposed road and cul-de-sac will be addressed by Smith Paving.

The Marquette County Sanitation Department has been to his property. The Health Department has approved the well and septic system.

He intends to only cut down ½ acre of trees to build homes. He currently has 2 individuals interested in having a home built on this property which Mr. Keough believes will sell in the \$195,000.00 range and generate revenue for Chocolay Township.

Mike Mileski, Geometric Services and project surveyor, was with Mr. Keough and verified boundary limits.

Public comment regarding this item was closed.

II. MEETING CALLED TO ORDER/ROLL CALL

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

III. APPROVAL OF THE MINUTES OF APRIL 12, 2004 and MAY 18, 2004 MEETINGS

Scott Emerson moved to approve the minutes of the April 12, 2004 meeting, Estelle DeVooght Seconded. Aye 6, Nay 0. Motion Approved.

Steve Kinnunen moved to approve the minutes of the May 18, 2004. Ken Tabor Seconded. Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved that 1 B. (Private Road #04-01) be moved to be heard first and 1 A. (Text Amendment #04-01) be held second in Public Comment. Ken Tabor supported. Aye 6, Nay 0. Motion Approved.

V. PUBLIC COMMENT

A. Private Road #04-01. Clarification was made regarding the grade concern and size of the cul-de-sac. It was discussed that if this road/cul-de-sac may ever be turned over to the Marquette County Road Commission, it should meet the County standards.

Steve Kinnunen stated he had looked at and measured the property of Mr. Keough and believes that a wider road, i.e. 24 feet would be more appropriate as four houses are proposed to be built on the 20.1 acres of land and consideration should be made for the amount of vehicles that will eventually use this road. Mr. LaPointe questioned whether the cul-de-sac specifications were taken from the Marquette County Road Commission specification booklet.

Mike LaPointe asked that the proposed restrictions be clarified which included grade/drainage, extra width to road, gravel to cul-de-sac (accessibility for emergency vehicles).

Steve Kinnunen Moved _____ Second that after review of Private Road Request #04-01 (Private Road #18); the standards of Section 402, D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The base of the cul-de-sac area is to be filled to meet the elevation of the road profile where it connects with Jennifer Lane.
- 2) The applicant shall provide access to township vehicles as well as other public/private utility companies to provide services.
- 3) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 4) The applicant pay for and install a road sign identifying the private road as "Pine Cone Trail" at the intersection with Jennifer Lane and the applicant is to pay for and install a stop sign at the same intersection.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) The applicant is required to provide certification from a surveyor/engineer that the private road standards imposed by the Planning Commission indicating a twenty-four foot road width, two foot shoulders, and adjustments to the cul-de-sac entrance radii that will allow for construction of a cul-de-sac in accordance with the Marquette County Road Commission standard detail, have been achieved at the conclusion of construction.
- 7) A zoning compliance permit shall be issued after all of the above conditions are met.
- 8) The applicant is strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Aye 6, Nay 0. Motion approved.

Text Amendment #04-01. After much discussion by the Commissioners, Dennis Stachewicz, the applicants and concerned parties, it was suggested by the Planning Commission that this issue could not be addressed at this time until the question of the property line be resolved.

Mr. Stachewicz pointed out that this issue could be tabled for 45 days to allow the time necessary to research the property lines.

Darwin Britton was concerned with that timetable as this request needs to be presented to the Chocolay Township Board for approval. This would put any construction of the mini-storage buildings into late Fall which would not be conducive to Mr. Britton's plans.

Scott Emerson suggested the site plans be addressed and re-evaluate the lay out of the proposed buildings.

Ken Tabor asked what would happen to the property years down the road. Would this parcel revert back to residential?

Mike LaPointe advised Mr. Britton that the Commissioners do not like to table issues, however, in this case, there are specific questions that need to be addressed.

Dennis Stachewicz stated a special meeting could be held to speed up the process in an effort to help with Mr. Britton's time table concerns.

Scott Emerson would like to see alternatives to PUD.

Dennis Stachewicz stated the preliminary plans are close to final plans so any plans presented in the future must be close to final. This is to be presented to the Planning Commission and then the Chocolay Township Board. Time table of two months.

Darwin Britton quoted Randy Yelle as stating this is a PUD, not a variance, thus this issue does not have to go through both entities.

Dennis Stachewicz suggested he work with the applicants and Randy Yelle, research the property lines and ensure all requirements are met.

Mike LaPointe stated Mr. Stachewicz is to work out the details and a special meeting will be scheduled.

Aye 6. Nay 0. Motion carried.

Meeting break at 9:41 p.m. Resumed at 10:05 p.m.

VI. OLD BUSINESS

A. Discussion – Update of Comprehensive Planning Process.

Estelle DeVooght stated she was not impressed with the planning process. She believes this requires too many meetings, too many people involved and too much time.

Scott Emerson pointed out that multiple people are needed for their input.

Dennis Stachewicz advised the Commissioners that on August 5, 2004, a meeting will be held at the Cherry Creek School beginning at 7:00. This meeting is an attempt to get the community to come together with their ideas and thoughts regarding the Township. He plans on sending out packets and “case” the neighborhood. A list of people was read (leaders of the community, business owners, etc.) that were going to be asked to become involved.

The September 2004 Planning Commission meeting date was discussed. Dates were suggested but nothing verified. This meeting will involve the consultant.

The November 2004 Planning Commission meeting date was discussed.

VII. NEW BUSINESS

A. Annual Election of Officers.

Estelle DeVooght moved that the current status of officers remain. Ken Tabor Seconded. Aye 6. Nay 0. Motion carried.

B. Discussion – US 41 Corridor Access Management Subcommittee.

This will become part of the Comprehensive Plan and will be addressed in the fall. There is no great urgency at this time for adopting the corridor. Steve Kinnunen pointed out that grants are being researched at this time. Mike LaPointe suggested this issue be tabled to be discussed at another time.

VIII. PLANNING DIRECTOR’S REPORT

Mr. Stachewicz has had this position for seven days. He is happy to be involved with the Township.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

The Commissioners welcomed Dennis Stachewicz and complimented him on his thorough presentation of the items on the agenda for this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Minutes – Marquette Township Planning Commission
- C. Publication: *Planning and Zoning News*

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 10:15 p.m.

**Charter Township of Chocolay
Planning Commission**

Monday, August 9, 2004
7:30 P.M.

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

Absent: None

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:32 p.m.

III. APPROVAL OF THE MINUTES OF JULY 12, 2004 MEETING

Scott Emerson moved to approve the minutes of the July 12, 2004 meeting, Bill Sanders Seconded with the corrections that follow. Aye 7, Nay 0. Motion Approved.

Date of the submitted minutes should read July 12, 2004 – not June 7, 2004.

Under VIII. Public Comment, page 5, paragraph one; delete sentence “most accidents happened between midnight and 8 a.m.

Under IX. Commissioners Comments, page 6, paragraph four should read “Scott Emerson suggests the Planning Commission recommend to the Board that a letter be sent to our Representatives, Governor, and Michigan Township Associates that the Snowmobile Act be mandate residential areas of certain population density be subject to local zoning

Under IX. Commissioners Comments, page 6, paragraph six should conclude with “which was an oversight in the original law.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Under XI. Informational Items and Correspondence; Add Item F. Results of Comprehensive Plan Survey (which are distributed and to be reviewed by the Planning Commission Members at their leisure).

Bill Sanders discussed the agenda which included the park issue. The Zoning Administrator has made his decision and if Mr. Maki does not agree with this decision, then he can appeal it to the Board of Zoning Appeals.

Estelle DeVooght asked if the new consultant can address the issues of Mr. Maki?

Mike LaPointe stated that the ordinance sub-committee should be assigned these issues.

Steve Kinnunen asked if the issues raised by Mr. Maki are in violation of the ordinances?

Scott Emerson pointed out that some issues can be addressed as an ordinance issue but not a zoning issue with regard to the Zoning Administrator.

Bill Sanders pointed out that there must be a time limit on how far back an individual can point out an error made in making a decision.

Dennis Stachewicz, Jr., stated that the Land Division Ordinance states that an aggrieved person has 30 (thirty) days to file a complaint/appeal and the 30 (thirty) day period has elapsed.

Dennis Stachewicz also stated to the Planning Commission that he did not feel comfortable discussing reprimands or the like without the Township Assessor in attendance at the meeting.

Mr. Maki addressed the Planning Commission regarding the Keough private road application and land division splits. He stated that he got the run around when looking for information/answers and he was not able to file an appeal within the stated 30 days because he was not given the information needed. He had to file a FOIA request and meet with Attorney Mike Summers to get the information he needed. By then, the 30 day limit was up.

Mr. Maki pointed out that, in his interpretation, the assessor had granted more splits for this particular private road than were available.

Bill Sanders asked Dennis Stachewicz who approves the lots? Mr. Stachewicz said the Township Assessor approves land division applications.

Bill Sanders suggested that the other issues be referred to the ordinance sub-committee to address. This can be discussed further under Item X. Commissioner Comment.

Scott Emerson moved to Approve the Agenda with the addition of Item F. Estelle DeVooght supported. Aye 7, Nay 0. Motion Approved.

V. PUBLIC COMMENT

Mark Maki of 370 Karen Road. Discussed the Lakenen sign issue with Randy Yelle. He stated that he had inquired of Mr. Yelle regarding the Lakenen sign in the fall of last year, then again in April of this year. He finally received an answer from Mr. Yelle recently in which he was told that Mr. Lakenen had obtained a permit for the sign in February of 2004. Mr. Maki states that Randy Yelle lied to him.

Mr. Maki advised the Planning Commission that he, Mike Summers, Dennis Stachewicz and Randy Yelle had a meeting recently at Attorney Mike Summers' office.

Mr. Maki states that he believes Randy Yelle has committed intentional fraud with regard to zoning ordinances.

Mr. Maki pointed out that Bill Todd was granted a permit to construct a garage which is in violation of the ordinance.

He stated that the new "café" coming to Chocolay Township is in violation with not enough parking spaces and no building plan.

Mr. Maki stated that Walt's Auto Body has been in violation for years with the Carlson Tree Service trucks.

The restaurant on M-28 is in violation; this is zoned industrial but yet there is a gift shop at that location.

Mr. Maki pointed out to the Planning Commissioners that they are wrong in allowing Mr. Yelle to not give him the requested information he asks for. He stated that no one is following the ordinances.

End Public Comment at 7:56 p.m.

VI. OLD BUSINESS

A. Discussion – Junk Car Ordinance.

Attention was directed to the August 4, 2004 memo by Mr. Stachewicz regarding the revisions to the ordinance being worked on by Kristin Thorrington, NMU student. The suggestion was made in this memo to allow for a work session to amend the ordinance.

This was agreed upon by the Planning Commission. The comment was made that an ad could be placed in the local newspaper advising the public of this upcoming work shop. Another idea was to provide a fact sheet to the public so they are aware of the issues.

Old Business closed at 8:00 p.m.

VII. NEW BUSINESS

A. Consideration – Review and Distribution of 2003 Annual Report

The 2003 Annual Report was provided to the Planning Commission by Dennis Stachewicz, along with a letter which provides a cover for submittal. This cover letter was signed by chair, Bill Sanders.

Ken Tabor Moved, Estelle DeVooght Second, to authorize the Director of Planning and Research to distribute the Year 2003 (Annual) Report to the Township Board.

B. Consideration – Reschedule November 2004 Meeting

After much discussion regarding upcoming meetings and schedules, the following was proposed:

September 8, 2004 @ 5:30 p.m. A joint meeting with the Township Board is scheduled.
November 4, 2004 @ Planning Commission meeting with Planning Consultant.
November 8, 2004 @ 7:30 – regular meeting of the Planning Commission.

Mr. Stachewicz asked that the Planning Commissioners provide to him any critical areas they believe need to be incorporated into the agenda for meetings referenced above. He laid out the proposed route to be taken with the Planning Consultant pointing out that the Community Center property was very important, as is the snowmobile trail, commercial development, natural landscapes and transportation in general.

C. Discussion – Possible Zoning Ordinance Amendments

Mr. Stachewicz recommended to the Planning Commission that a committee be formed to look at the issues and incorporate into the implementation of the Comprehensive Plan Update.

Scott Emerson agreed saying that it is a good idea to wait and have the sub-committee meet to discuss the issues.

Mr. Stachewicz suggested that the sub-committee review one chapter/section at a time, identify the problems, provide guidance and/or solution to fix the problem and then submit a blanket amendment to solve the problems. He stated that the Planning Commission should not cover what the Zoning Administrator did by ordinance.

Estelle DeVooght asked if the Planning Commission can address Mr. Maki's issues so he is being recognized?

Mr. Stachewicz suggested that the sub-committee should do this.

The issues that the Zoning Administrator must address in the short amount of hours mandated to him was discussed at length.

Bill Sanders stated that the Planning Commission should not get involved in the grievances of Mark Maki with Randy Yelle.

The sub-committee will consist of Estelle DeVooght, Scott Emerson and Bill Sanders. This sub-committee will review their schedules and decide on a date to meet in November of 2004. Mike LaPointe volunteered to be a back up for the committee if needed. It was noted that this committee has held meeting at noon in the past.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz advised the Planning Commission of such subjects, including but not limited to the feasibility of land survey applications and looking at limiting costs. The snowmobile trail was a topic of conversation.

Scott Emerson again reiterated his concern of speed violation of snowmobiles and the need to enforce a curfew on when sleds can be on the trails located near residential areas in Chocoday Township. This was discussed in detail between Scott Emerson and Mr. Stachewicz.

Steve Kinnunen pointed out that the City of Ironwood has a decibel ordinance and suggested that the Township put in an ordinance with a decibel restriction to keep the noise level down. If the local police are stopping snowmobiles on a route basis, they can be checked at that time for a noise level.

Mr. Stachewicz stated he would follow up with the City of Ironwood to see what standards they currently have in place regarding the use of snowmobiles and noise levels.

A survey was conducted regarding the property on M-28 that Mr. Britton previously requested a variance for to construct storage units. The original map was correct. A quit claim deed between the property owners and Timbercrest has rectified this problem.

The Community Center being for sale was discussed. Mr. Stachewicz advised the Planning Commission that they should think about how they will address the zoning of the property.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

Mike LaPointe remarked on an erosion issue regarding the Chocoday River near the M-28 public access site location. Mr. LaPointe said he asked Mr. Stachewicz to research the property ownership in the location of the site. He pointed out that there are grants available to fund the restoration of the river bank. Mr. LaPointe asked the Commissioners if he could bring this topic to the Chocoday Township Watershed Partnership on behalf of the Chocoday Township Planning Commission. The Planning Commission agreed to support the efforts of Mr. LaPointe.

Scott Emerson asked if the Planning Commission needed to forward correspondence to the Chocoday Township Watershed Partnership in support of Mr. LaPointe's request.

Scott Emerson moved, Seconded by Steve Kinnunen that the Planning Commission supports addressing concerns regarding erosion occurring along the Chocoday River at the M-28 public access site and seeks assistance from the Chocoday Township Watershed Partnership in obtaining funding to rectify this problem.

Aye 7, Nay 0. Motion Approved.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Agenda Request
- C. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Agenda Request
- D. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Complaint
- E. Correspondence – Mark Maki, 370 Karen Road to Planning Commission: Appeal Request
- F. Review of results of Comprehensive Plan Survey

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:56 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, January 12, 2004

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Mike LaPointe, Tom Shaw and Scott Emerson

Absent: Steve Kinnunen and Ken Tabor

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

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF THE DECEMBER 8, 2003 MEETING AND DECEMBER 15, 2003 JOINT BOARD/PLANNING COMMISSION MEETING

Shaw moved, Sanders second, to approve the December 8, 2003 minutes as presented. Motion Approved.

DeVooght moved, LaPointe second, to approve the December 15, 2003 Joint Board/Planning Commission minutes as presented. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Sanders moved, LaPointe second, that the agenda be approved as presented. Motion Approved.

V. PUBLIC COMMENT

None

VI. OLD BUSINESS

A. Discuss Update to Comprehensive Plan - Consultant Selection Process

The Planning Commission reviewed the final Request for Proposals (RFP) that was mailed out to 28 different planning consulting firms and the general timetable for the selection of a consultant. The Planning Commission also reviewed a draft proposal evaluation worksheet to be utilized by each Planning Commission member in preparation of the February meeting where the consultants to be interviewed will be selected.

Once all proposals are received, (after the January 30th deadline has passed), they will be immediately delivered to each Planning Commissioner along with the evaluation worksheets for review and evaluation in preparation of the February meeting.

VII. NEW BUSINESS

A. Discuss – Central Lake Superior Watershed Partnership - Request for sites of concern in Chocolay River Watershed

The Central Lake Superior Watershed Partnership requested Township input on sites of concern in the Chocolay River Watershed for possible inclusion in an updated Watershed Plan. The Planning Commission identified the following sites or issues that they would like communicated to the Watershed Partnership:

- Severe erosion of the bank of the Chocolay River just downstream of the DNR fishing access site on M-28.
- Foot traffic erosion on the bank of the Chocolay River just downstream of the Township's fishing access site on the corner of Green Bay Street and Lakewood Lane. Perhaps a need for steps to minimize future erosion.
- Erosion at Green Bay Street bridge. Road integrity impacts.
- Potential erosion from logging activity in the "Big Hole" area.
- Development near Silver Creek in Sands Township. Potential for downstream impacts.

- Need for monitoring of Green Garden Road bridge reconstruction.
- Are the existing sediment traps being maintained?
- Does the education/nature trail or Big Creek at the Beaver Grove Recreation Area need any attention?
- Can the Township provide direct or indirect assistance on any implementation or grant projects (now or in the future)?

These sites/issues will be forwarded to the Board at their next meeting for their input and then a letter will be forwarded to the Watershed Partnership.

VIII. PLANNING DIRECTOR'S REPORT

- 1) A 2003 Comprehensive Zoning Report is being completed by the Zoning Administrator and will be presented to the Planning Commission and Board in February.
- 2) Chair Sanders and staff will be meeting with the Noquemanon Water Trail organizers on Thursday to discuss Chocolay Township's participation in the water trail network.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

- Emerson inquired as to the status of the screening fence at the end of Green Bay street. Upset that it had not been corrected yet. Sanders concurred.
- Emerson suggested that the Township evaluate its legal options under the Snowmobile Act if the Snowmobile Trail does not get closed for the season by March 31st.
- Discussion ensued regarding the City of Marquette's recent decision to charge non-residents higher fees for use of City parks and facilities.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Memorandum – Riley to Planning Commission – Re: Update on Snowmobile Trail/Issues
- B. Correspondence – Maki to Zoning Administrator/PC – Re: Zoning Issues
- C. Information - 2004 Meeting Dates

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:15 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, February 9, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Tom Shaw, Scott Emerson,
Ken Tabor and Mike LaPointe. (Bill Sanders arrived at 8:15 p.m.)

Absent: None.

Staff: Doug Riley, Director of Planning and Research; Lee Snooks, Director of
Recreation and Grants Administration; Randy Yelle, Zoning Administrator and
Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Conditional Use #69 – Kinnunen – 105 Deerview Trail – Home Occupation/Parking
of a 30' Commercial Vehicle.

Doug Riley advised the Commissioners that ten letters had been sent to the
Kinnunen's neighbors within 300 feet of their residence requesting input. There were
no telephone calls or written responses received.

Mike LaPointe asked the Kinnunen's if they had anything they wished to add to their
application of which Mr. Kinnunen stated they did not. Mike LaPointe then opened
discussion to the public.

Frank Ward of 1401, Co. Rd. 545, Skandia, MI and Mitch Lazeren of 2372 U.S. 41
West, Marquette, MI spoke. Mr. Ward pointed out that Mr. Kinnunen is requesting
parking of a 30' commercial vehicle in a residential area. At one time, an issue was
addressed to the Commissioners regarding multi-family dwellings versus single
family dwellings in this area. Others were denied multi-family dwellings in this area.
How is it that this area can now be used as a commercial area? Mr. Lazeren
concurred.

- B. 2004 Recreation Plan Update.

Lee Snooks advised that the last five-year plan had expired (adopted in 1998) and for
the township to be able to apply for MNRTF grants, the plan has to be updated. What
he is proposing is simply an update to the 2003 plan.

Mike LaPointe opened discussion to the public of which there was none.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF JANUARY 12, 2004 MEETING

Scott Emerson moved to approve the minutes, Estelle DeVooght Seconded.
Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

The agenda for the Planning Commission meeting of February 9, 2004 was amended to move Old Business item VIA after the 2 public hearing items under New Business.

Ken Tabor Moved, Estelle DeVoight Second, that the agenda be approved as amended. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT

Mark Maki of 370 Karen Road, Marquette, MI stated that the court order regarding the junk yard issue with Mr. Waselesky is not being followed. Another issue he raised was the fact that Carlson Tree Service commercial vehicles are being stored at Racine's Auto Body shop. He believes they are there under the premise of auto repair. He also pointed out that the ZBA ignored his correspondence and concerns and that was a violation of the Open Meetings Act.

John Trudeau of 216 Cedar Lane, Marquette, MI spoke in support of Mr. Waselesky's junkyard and the approval.

Dick Arnold of 312 County Road 545, Marquette, MI asked the Planning Commission to clarify what the restrictions are for a commercial vehicle. Does it involve a length restriction, a weight restriction or a combination of both? He also pointed out that he submitted a petition months ago requesting an update to the junk vehicle ordinance.

Mark Maki again addressed the Commissioner's wanting to clarify his comments regarding the junk yard.

Randy Yelle advised that the Zoning Board has given Mr. Waselesky until May of 2004 to comply with the ZBA approval.

VI. OLD BUSINESS – Now incorporated into VII. New Business.

VII. NEW BUSINESS

A. Conditional Use #69 – Kinnunen – 105 Deerview Trail – Home Occupation/Parking of a 30' Commercial Vehicle.

Steve Kinnunen pointed out that Chris Kinnunen is his son; Carrie is his daughter-in-law. He asked the Commissioners how they felt about his involvement in this discussion and vote. The Commissioners agreed he could participate in the discussion but it would be prudent if he did not vote.

Doug Riley answered Mr. Arnold's inquiry of what the restrictions are for a commercial vehicle, which includes a length of 25' and not exceeding 16,000 gross vehicle weight. Mr. Kinnunen's commercial vehicle is exceeding the 25' restriction and that is why he is asking for this approval.

Discussion ensued by the Commissioners as to how this application is similar to another granted to Mr. Kimmes previously.

Chris Kinnunen stated that the commercial vehicle must be parked outdoors as of now due to the sudden on-set of his new business. He does not have the ability to park the vehicle on the north side of his garage as this contains a septic field. He is pursuing other options, i.e.: park on the east side of the house, extend fencing and plant vegetation. He also pointed out that his business is new and as it grows, he will house the commercial truck.

Estelle DeVooght asked Chris Kinnunen how often he would be moving this commercial vehicle to which he answered Monday through Friday with his work day starting at approximately 7:30 a.m. and ending by 6:30 p.m.

Estelle DeVooght advised the Commissioners that she did not believe granting the approval was a good idea as Bob LaJanesse was denied.

Steve Kinnunen asked if any negative feedback has been received by the township regarding Mr. Kimmes' activities on his property with three commercial trucks. Doug Riley and Randy Yelle both stated there have not been any negative comments received.

Scott Emerson Moved Ken Tabor Second that after review of Conditional Use request #69, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #69 with the following conditions:

- 1) That the applicant shall not have any employees that do not reside on the premises.
- 2) That the truck be parked on the **east** side of the garage.

Discussion ensued regarding the conditions to the requested approval. One issue was the planting of screening trees at the Kinnunen residence. Estelle DeVooght stated that these conditions have not been followed up by the Commissioners, thus the motion was amended to read as follows:

Scott Emerson Moved, Ken Tabor Second, that after review of Conditional Use request #69, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #69 with the following conditions:

- 1) That the commercial truck may be parked until June of 2004 at which time there will be a progress check and that vegetative screening must be planted by this time.
- 2) That the applicant shall not have any employees that do not reside on the premises.
- 3) That the truck be parked on the east side of the garage.

Aye 7, Nay 0. Motion approved.

B. 2004 Recreation Plan Update.

Mike LaPointe asked Lee Snooks if there had been any major changes made to the plan from the plan of five years ago. Mr. Snooks advised that there had been too many projects listed in the old plan to realistically address them all. He stated that the action plan is now shorter and more doable with only two new items added to the plan. All others are a carry-over from the previous plan.

Scott Emerson discussed the marina issue in many respects. One item that was of concern is the dredging of the river. Mr. Snooks pointed out that it is the public that seems to think this needs to be done, however, there isn't an understanding of the cost of such a venture. It was suggested that the word "marina" be changed to "access site."

Steve Kinnunen Moved and Bill Sanders Seconded that the wording be changed. Aye 7, Nay 0. Motion approved.

C. Selection of firms to interview - Comprehensive Plan.

At this time Bill Sanders suggested that he leave the room as he has a conflict of interest as working for one of the firms submitting a proposal, therefore, he should not discuss or vote on this issue. (The Planning Commission briefly discussed and Mr. Sanders left the meeting room).

Mike LaPointe advised the Commissioners that he has worked with some of the firms that have submitted a proposal. The Commissioners discussed the proposals and facts, i.e.: some firms are local and familiar with the area, some firms have prepared comprehensive plans for other townships similar to this townships needs and environmental issues.

The Commissioners at this time individually reported to Doug Riley their top three choices of firms to be interviewed based upon the scoring criteria.

The top three firms selected were the following:

- ✓ Beckett-Raeder
- ✓ Planning & Zoning Center
- ✓ U.P. Engineering

Doug Riley is to contact two of the firms (Beckett-Raeder and U.P. Engineering) and request they interview with the Commissioners at the Planning Commission Meeting of March 8, 2004. Planning & Zoning Center will have to be interviewed at another time as they have a conflict with the March 2004 date.

It was noted that Greg Seppanen should be in attendance at these meetings.

Doug Riley volunteered to the Commissioners that he would be happy to prepare a question format for use during the upcoming interviews. This will keep all questions similar yet allow each Commissioner to initiate questions as the interview progresses.

The Planning Commission will suggest to the Township Board what firm they approve, however, it is up to the Board to make the final decision/approval.

D. MNRTF Grant Application.

Lee Snooks referred to his January 21, 2004 memorandum regarding the Noquemanon Trail Network project and explained how the group is looking for a spot to camp, etc., at the bayou in Chocolay Township. Discussion ensued regarding the placement of lockers, tent platforms and signage.

Steve Kinnunen Moved Mike LaPointe Seconded that the Planning Commission reviewed the above request and recommends that the Chocolay Township Board submit a grant application to the Department of Natural Resources to fund the development of a Hiawatha Water Trail Access Site at the Chocolay Township Marina.

Aye 7, Nay 0. Motion approved

This will go before the Township Board next week.

VIII. PLANNING DIRECTOR'S REPORT

The City of Marquette provided correspondence to Chocolay Township regarding their draft master plan. An error was noted by Mr. Riley and brought to the City's attention. An update on the corridor plan was provided. There will be a meeting held by the Michigan Department of Transportation at the Negaunee Township Hall on March 31, 2004 from 7:00 p.m. to 9:00 p.m. and at the Lakeview Area in Marquette on March 30, 2004 from 7:00 p.m. to 9:00 p.m. to discuss the corridor plan. Of the 13 top crash intersections identified in the corridor; two are found in Chocolay Township (US-41/M-28/Cherry Creek and US-41/Silver Creek).

Steve Kinnunen asked if the Planning Commission can place this boulevard/corridor issue into the comprehensive plan of which Doug Riley stated he would be sure to include the commissioners' comments and concerns. This topic will be on the March 2004 Planning Commission meeting agenda.

IX. PUBLIC COMMENT

Chris Yuill of 158 Riverside, Marquette, MI spoke to the Commissioners regarding the snowmobile trail commenting on the speed of the sleds, the noise, the fume smells and timing of sleds passing.

Scott Emerson commented on the repeated trespassing of snowmobiles onto private property which is clearly marked as such.

Dick Arnold's concerns about the junk yard were discussed by the Commissioners.

Sanders Moved, Kinnunen Seconded, to ask the Board to direct staff to prepare an updated junk vehicle ordinance. Aye 7, Nay 0. Motion approved.

X. COMMISSIONER COMMENT

Scott Emerson believes Mr. Yelle is doing a good job as the Zoning Administrator.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Memorandum – Yelle to Board/PC/ZBA – Zoning Report/Issues
- B. Correspondence – City to Marquette to Riley/PC – City Master Plan
- C. Minutes – Township Board – January 19, 2004

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:28 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, March 8, 2004

7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Tom Shaw, Ken Tabor, Mike LaPointe and Scott Emerson (came in during Old Business)

Absent: Bill Sanders

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

I. MEETING CALLED TO ORDER

Mike LaPointe called the meeting to order at 7:30 P.M.

II. PUBLIC HEARINGS – None

III. APPROVAL OF THE FEBRUARY 9, 2004 MINUTES

Under New Business-C. Selection of firms to interview – Comprehensive Plan
In the first sentence add “NOT” (he should NOT discuss or vote on this issue.)

Motion by Ken Tabor, Tom Shaw Seconded that the minutes of the February 9, 2004 meeting be approved with the above correction. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Motion by Ken Tabor, Estelle DeVooght Seconded that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT – None

VI. OLD BUSINESS

A. DISCUSS – UPDATE TO COMPREHENSIVE PLAN – Format for interviewing of selected firms.

Mike LaPointe reminded Planning Commission members of the special meeting on March 30th at 3:00 P.M. Each consultant interview will be 45 minutes. There will be three questions asked to the applicants, and then there will be 15 minutes for general questions.

Comments from Planning Commission members:

Doug Riley said he will send the consultants the questions, so they are prepared in advance. The Board has been informed and invited to the special meeting.

Mike LaPointe asked if the Board can ask questions? Will there be public at the meeting?

Doug Riley noted the short time limit for each consultant.

Scott Emerson said this special meeting must be carefully controlled because of the time limit.

Steve Kinnunen said if public is in attendance, can the consultants sit in for the other interviews?

Doug Riley said he would have them wait in another room until their interview time.

Doug Riley said this special meeting is not a public hearing.

Steve Kinnunen said since there is a time limit, the public cannot ask direct questions of the consultants.

VII. NEW BUSINESS

A. Consider Minor Amendment to Chocolay Woods Site Condominium Project

Doug Riley reported that the Chocolay Woods Site Condominium Project was approved by the Planning Commission and Board in 2002. They now would like to make a minor amendment to the project by adding land to Unit #2 and by creating a Unit #13. Randy Yelle and Doug Riley have no concerns with this amendment. If the Planning Commission recommends this amendment, it will then go back to the Board for approval. Doug Riley reported that about half of the lots are sold, and most of the homes are close to the road. He said it is looking nice.

Commissioners Comments:

Ken Tabor asked if lot #13 was included in the project originally?

Doug Riley said that it was not. Someone wanted it at first, but has since changed their mind. Doug Riley said that he told Glen Van Neste that it was not crucial that he be in attendance.

Steve Kinnunen asked if they would build on the backside of this lot?

Doug Riley said they could put a house in the front area. The lot meets the minimum width and it would be purchased by one owner, not split.

Scott Emerson Moved, Ken Tabor Seconded, that the Planning Commission recommends approval of the minor amendments to the Chocoley Woods Site Condominium Project titled "First Amendment" to the Chocoley Township Board. Aye 6, Nay 0. Motion approved.

B. Discuss MDOT Draft Corridor Plan

Doug Riley mentioned there is a public meeting on the draft US 41-M-28 Corridor Plan at the Lakeview Arena on Tuesday, March 30, 2004 at 7:00 P.M. He gave the Planning Commissioners copies of parts of the draft plan relating to Chocoley Township. He noted the one major item not included in the plan is the boulevarding for Chocoley Township. They (the consultant and MDOT) said it was not physically or financially feasible. They are reviewing other possible ideas to address some of the aesthetic issues. The whole plan is huge; from M-28 in Chocoley to Ishpeming. Doug Riley also noted to the Commissioners the crash analysis of 2000 to 2002, showing the top 13 top crash locations. Chocoley Township has 2 of the 13 crash locations; US 41/M-28 at Silver Creek Road and US 41/M-28 Junction and Cherry Creek Road. He also noted the 17 issues identified in Chocoley Township, these projects are classified under one of the following: L = long-term project; O = opportunity; or S = short-term. These projects include a bike path to connect the City of Marquette through Chocoley Township on the west side of the road with a tunnel to cross the road for pedestrians, bikes, and snowmobiles. It also includes closing and combining driveways, constructing a rear service road, improving turning radius on diagonal roads, intersection improvements, and identifying safer left-turns.

Commissioners Comments:

Scott Emerson asked how landscaping can be too expensive, but they can afford to put in a tunnel?

Tom Shaw suggested a foot/bike ramp instead of a tunnel.

Steve Kinnunen noted they should be looking at safety.

Doug Riley said they should coordinate the aesthetic treatment through Chocoley, Marquette, and Marquette Township.

Scott Emerson still believes we need boulevarding. When there is a white-out, you have no idea where you are on the road, it would be better to hit bushes/trees than oncoming traffic. We really need to push for boulevarding and landscaping. Safety should come first. He feels MDOT is wrong in wanting snowmobile trails away from the highways. We need to keep snowmobiles at 10 to 15 mph through residential areas and keep their speed down along highways where they are visible to police and laws can be enforced. Speed kills. Snowmobiles run through subdivisions at 70 mph. He disagrees with MDOT's plan. He thinks their guidelines are out of date. Snowmobiles are safer being along roadways, just look at the crash facts. They have it backwards.

Doug Riley said many projects are mentioned in this draft, they are not real specific. They are still exploring concepts. He noted that the reasons MDOT gave for no boulevarding was right-of-way area and cost.

Steve Kinnunen said Chocoley Township should put that in our Comprehensive Plan. We need to keep the door open for the safety aspects (boulevarding).

Scott Emerson hoped we could at least do partial boulevarding. We need to keep traffic in their specified lanes and eliminate head-on accidents.

Doug Riley noted this is a twenty-year plan, it has major reconstruction. They want to keep traffic free flowing. We are in the B-level, with a 30 crash rate.

Steve Kinnunen highlighted the fact that Chocoley had 2 of the 13 highest crash sites. And they say it is safe and our roads don't need boulevarding?

Scott Emerson said the access road project is great. How can they say a tunnel is cheaper than partial boulevarding?

Tom Shaw said once it was put in, who would maintain the boulevards? They are interested in traffic flow.

Scott Emerson noted that the City of Marquette has so many volunteers to plant the flowers, we could also find volunteers.

Tom Shaw agrees, but states MDOT wants to move traffic.

Steve Kinnunen said there are two groups; safety and MDOT. He feels we should eliminate left turn lanes from the rock cut to the motel.

Scott Emerson said boulevards slow down traffic, they do it in California and Colorado. How can MDOT say it is too expensive? Eliminating accidents is worth the money.

Steve Kinnunen again noted to implement it in our Comprehensive Plan.

Doug Riley said it could be written in the Zoning Ordinance. He said MDOT is starting to plan now. The engineers and planners do not agree. It is a battle for them to look outside of the box.

Steve Kinnunen said that traffic is building all the time. With all this truck traffic, something has to give. With all of the development in Marquette and Marquette Township, let's preserve our intent.

Tom Shaw noted that many cities have working boulevards.

Estelle DeVooght mentioned the boulevarding in Gwinn.

Mike LaPointe said we need to get this in their plan.

Steve Kinnunen suggested we get another name for boulevard. They just don't like that word. Maybe narrow-width boulevards, medians or green space barriers.

Scott Emerson noted that there should be a loop near the Welcome Center, where left-turn there is a safety issue.

Doug Riley said he would make some calls to see what he could come up with.

Scott Emerson said we need to find out what their biggest problems with boulevards are and we can give them solutions. We may have to change our terminology.

Doug Riley noted that the timing is right now.

Scott Emerson said he feels Chocolay Township presented the most organized corridor plan. Scott said he would like to present a proposal to MDOT.

Steve Kinnunen noted that time was limited, it must be point-specific from Chocolay Planning Commission.

Doug Riley said they already know we are passionate about the boulevards.

Steve Kinnunen said the safety aspect of the project must be looked at. He asked what the timeline for adoption was?

Doug Riley said it was early this summer.

Estelle DeVooght asked about the Big Creek Bridge plans?

Doug Riley said it is planned for this summer.

Doug Riley said he would do part of his Planning Director's Report now. He said MDOT is planning to refurbish the M-28 bridge in 2005, widening it by 5 ½ feet, not enough for snowmobiles to really use it safely, at a cost of \$832,000.00. He noted that Greg Seppanen wrote a letter to MDOT to have this bridge widened enough for snowmobile crossing and is also working with Adamini and Prusi in this matter. It could be a win-win situation for all.

Steve Kinnunen asked about the possibility of moving the crosswalk from Silver Creek Road since he feels it is a safety hazard.

Tom Shaw says that he has observed many problems because of the crosswalk.

Steve Kinnunen suggested relocating the crosswalk.

Tom Shaw said MDOT wants Chocolay Township to take the lead, let's get it out now. It is no longer useful as it is. Let's approve the removal and pass it to the Board tonight.

Scott Emerson started to make a motion, and then suggested we move it near Willow Farm/Mr. Movies and rebuild it so it is useful for bike and pedestrian traffic to cross the highway, making it handicap accessible. As it is now, very few people use it. He favors an attractive ramp for use in summer and winter. A tunnel will not work.

Steve Kinnunen said we should make note that it would connect the east side of Harvey to the bike path. At this time there is no safe way for bikers or hikers to cross the highway.

Tom Shaw noted that the crosswalk cannot be positioned near the intersection/stop lights. He wants to move it as soon as possible.

VIII. PLANNING DIRECTOR'S REPORT

Doug Riley reported on the Recreation Plan being state approved and that Dr. English owns land east and north of the Kawbawgam Pocket Park. Dr. English is interested in developing cluster condos and would like railroad grade access. He is looking to pull in second-home buyers. He would also look at integrating a trail to our cross-country trail. They will get a sketch plan for the Planning Commission.

IX. PUBLIC COMMENT - None

X. COMMISSIONER COMMENT

Scott Emerson stated that his neighbors that live along the snowmobile trail have been very frustrated with enforcement. The behavior of some snowmobilers is still bad; driving recklessly and trespassing are the main complaints. The Chocolay Police are also frustrated since there are no rules to enforce. Scott Emerson would like to see more tickets issued instead of warnings. High speeds are a big problem. Eleven tickets have been issued and 36 warnings; he thinks it should be the opposite. There is no speed limit for snowmobiles. They "rev" their engines at 2:00 in the morning, and people along the trail are fed up with it.

Doug Riley said he and Greg Seppanen have discussed the problems. They are looking at a workshop/open house with the DNR in April to get input from the residents. After compiling the complaints/comments, they will recommend to the Board what to report to the DNR. Greg Seppanen wants the residents to know that the Township does care, and are trying to do everything to help the situation. This is the monitoring year for the DNR.

Steve Kinnunen asked how many properties are along the trail, and if it would be possible to do a mailing asking for their input? Doug Riley stated 270 parcels, and said we could do a mailing. Residents could put in writing their concerns so the Township has it all on paper. Residents could come to the meeting in April to drop off their letters and make comments. Now that residents have experience with the trail, they can make objective recommendations. We need all comments in writing for documentation.

Doug Riley asked where should the impact line be (who should be sent the letter)? Scott Emerson said all villagers are actually impacted in some way or another. People adjacent to the trail know how it was before and after and they are the most affected. Compared to residents along County Road 480, for example, they are not really directly affected. Doug Riley suggested using the list the DNR used to send out a mailing.

XI. INFORMATION ITEMS AND CORRESPONDENCE - None

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 9:00 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

Charter Township of Chocolay Planning Commission

Tuesday, March 30, 2004 SPECIAL MEETING

3:00 P.M.

Present: Steve Kinnunen, Tom Shaw, Mike LaPointe, and Scott Emerson
Absent: Estelle DeVooght and Ken Tabor. (Bill Sanders was presenting - UP Engineers)
Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Recreation and Grants and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Mike LaPointe called the meeting to order at 3:00 P.M. He explained the Special Meeting was for interviewing three companies for updating the Comprehensive Plan. The Planning and Zoning Center will be at 3:00, Beckett and Raeder at 3:45, and U.P. Engineers at 4:30. This will be a very structured format, with two public comment times.

II. PUBLIC COMMENT

Cathy Peterson had Mike LaPointe read the letter she presented to the Planning Commission and said she also wanted it given to the Board. She thought the Planning Commission should not consider UP Engineers since Bill Sanders is on the Planning Commission and Zoning Board of Appeals. She felt it was a conflict of interest.

III. COMPREHENSIVE PLAN UPDATE – CONSULTANT INTERVIEWS

A. PLANNING AND ZONING CENTER

Mark Wyckoff, President of PZC and editor of Planning and Zoning News, gave a PowerPoint presentation. He gave their qualifications working with transportation/land use, topical experience, design guidelines and community character enhancement, farmland and open space preservation, environmental and natural resources, public facilities and services, group facilitation, special problem solving, and training. He noted they have the largest in-house database of any firm in Michigan. He noted the awards and special services they offer, including his Planning and Zoning News, which is the only state specific monthly magazine on planning and zoning in the country. He described the current planning projects they are now working on all across the state.

He answered the three questions asked of all the consultants:

- 1) **Why we should select PZC?** They do great work, are familiar with the Township, as they are working on the US 41/M-28 corridor project. It is an opportunity to begin implementation of the corridor plan, and they are already working in the area, which spreads the travel costs among several clients.
- 2) **How does PZC plan to involve the public/why will their approach be successful?** They will send out a survey to local leaders (50 maximum), have a two hour public vision meeting, take walking/driving tours of key spots, have town meetings on draft plans, review plan with adjoining jurisdictions, have more public meetings. He feels good project management will make it successful.
- 3) **What is your overall impression of Chocolay Township?** He feels we are missing opportunities (community character, commercial, rock overlook potential). US 41/M-28 corridor is visually uninspiring. It could look much better. There is a need for careful land use planning and an interconnected street pattern (continuing the US 41/M-28 intersection design), and to build on the good framework of the current plan.

Commissioners questions:

Scott Emerson asked what their timeframe was? Mr. Wyckoff said that would depend on the Planning Commission, but it usually is 12 months with 5 or 6 special meetings.

Tom Shaw asked if there were grants to purchase property? Mr. Wyckoff answered no, unless there are some through MDOT to increase jobs (not retail but wholesale or industrial jobs).

Steve Kinnunen stated that he saw they were involved in Leelanau County where congestion control is important, could he bring those concepts to Chocolay? Mr. Wyckoff said they have done lots of transportation planning.

Scott Emerson stated that many residents in Chocolay have not lived anywhere else and have not seen other road patterns. Mr. Wyckoff said it is pay now or pay later! Later is always more expensive. Do the residents want to do it now the right way, or leave it to the future residents to pay more later? He noted the Planning and Zoning News that is going into publication now will have an article on this subject.

B. BECKETT AND RAEDER

John Iacoangeli said he wanted an informal meeting with the Planning Commission. He brought three hard copies of projects they are working on for the commissioners to look at. He explained when Beckett and Raeder was founded, and what they have done locally. He said he has knowledge of the local area from working in Marquette and he knows what balance of quality of life and natural resources the people in the area want. He understands the population base, employment and dynamics of the area. By working with the county he is familiar with the Chocolay Watershed. He figures the timeline would be about six months. He made mention of his website: ourcommunityplan.com for the city of Marquette. He accepts emails from residents from that site. He feels there should be three or four community vision sessions, 2 to 3 hours each to find the critical issues. They would meet with the Planning Commission six or seven times. His bid is within the budgeted amount.

Mike LaPointe asked if he is in the area frequently? Mr. Iacoangeli said lots lately. They have been working with the city of Marquette since 1996 and will be for a couple more years. They also have projects in Petoskey, Alpena, and near the straits, so they can structure time for Chocolay accordingly. Mike LaPointe also asked him about the three questions given prior to the interview.

- 1) **Why should your firm be selected to complete our Comprehensive Plan?** Mr. Iacoangeli said they are familiar with the particulars of the area, and have working knowledge of the area and know of the special interest groups.
- 2) **What is your overall impression of Chocolay Township?** Mr. Iacoangeli said it is a large area, with lots of natural beauty. The eastern side is mostly the Escanaba State Forest which is unbuildable. The western part is buildable, holding the highest concentration of the population. He has knowledge of the Chocolay River /Watershed. The area has seasonal tourists that hunt and fish. It has small villages and public parks, which have to be taken into consideration when planning the priorities in the future. The typical resident is 38 years old, with an income of \$55,000 in allied business. Only 3% of the residents are living in poverty.

The commissioners had no questions.

Mr. Iacoangeli concluded by saying he is very interested in doing the Comprehensive Plan, he knows the other two applicants and has worked with them. The Township has three good firms to choose from. They are equipped to help the Township.

C. U.P. ENGINEERS

Pat Coleman and Bill Sanders made the presentation. Mr. Coleman gave the history of the firm, stating they have been in the U.P for 25 years. They have experience working in the northern Lower Peninsula and the U.P. with small communities whose residents want to know their neighbors, love nature, and do not want to live where there is heavy traffic. They were part of the team developing the Marquette Master Plan. They have been involved with a steering committee, doing traffic studies, and traffic corridors. They were involved with MGH expansion and the Lower Harbor planning. They worked with Calumet Township with their land use plan, zoning ordinance, six-month moratorium on US 41 development, and down zoning of some commercially zoned land, along with their Site Plan Review. In Ontonagon Township they developed a future land use map, made zoning ordinance revisions and Site Plan Review. For the City of Escanaba they defined future residential growth area, worked on highway corridor issues, neighborhood preservation, redevelopment and mapping. They know Chocolay Township concerns of commercial areas, rural land preservation and cluster zoning. He knows that some people think there may be a conflict of interest with Bill Sanders being on the Planning Commission, but they have everything on the table. Bill Sanders will not be voting on this issue. Mr. Coleman described the approach they would take to complete the Comprehensive Plan. They will collect information, get the public

involved, summarize and develop a plan and have workshops with the Planning Commission. Bill Sanders will play a key role, as he is here all the time. This benefits us all. He can give updates at every meeting. They will analyze population characteristics and trends, housing data, commercial and economic development, public facilities and utility plans. Then they will implement what the community wants. Their project fee is \$38,132 total.

Pat Coleman answered the three interview questions:

- 1) **Why should they be hired?** Mr. Coleman said they understand what Chocolay Township wants. Bill Sanders has the insight, and has the background working with the Township. Bill Sanders said this will give Chocolay the opportunity to apply out-of-the-box planning. Mr. Coleman noted that Mr. Sanders has recently received his landscaping certification. U.P. Engineers understands the Chocolay area's winters and their special culture.
- 2) **How will they involve the public and obtain their support?** We have special challenges before us. Bill Sanders is a local resident and Pat Coleman is close (Houghton). They have a multi-disciplinary team of professionals, extensive community planning and design experience along with a track record of creativity and problem solving. They know Chocolay wants to maintain our rural sense of place. They want to have informal neighborhood meetings and break down into focus groups (example: recreation, village, and farmers). They would have some brainstorming sessions, have idea competitions with prizes, using the local media, internet, and getting the youth to participate.
- 3) **Their impression of Chocolay Township?** It is a rural area, close to Marquette City, has lots of open space, close knit neighborhoods with long-time residents who like the small town image and have a sense of belonging. They feel residents want harmony with the environment and development. Bill Sanders said the residents like Harvey the way it is, and we should make an effort to keep things that way.

Commissioners questions:

Steve Kinnunen asked who will be doing the hands-on work? Mr. Coleman said he and Bill Sanders will be doing it, except for the data collection. They will conduct the meetings. Their hours planned may be moved from one area to another as they go through the plan. This planning process has bumps and turns as they work.

Steve Kinnunen also asked what the timeline would be? Mr. Coleman said approximately one year, with 8 public meetings planned.

Mike LaPointe concluded the interview section at 5:12 by asking the Planning Commission members to take time and digest all the information given by the three candidates, and at the next meeting on April 12, they will vote by ballot. If they need more information from any of the candidates, they are to contact Doug Riley. He asked if anyone had any questions now? Steve Kinnunen wanted to know who would implement the work from each firm? Doug Riley said he has that information on the proposals, and would include that in the next packet.

VI. PUBLIC COMMENT

Cathy Peterson feels Scott Emerson should not talk with the other Planning Commission members to influence their vote. She still feels Bill Sanders (U.P. Engineers) should not be given the job, as it is a conflict of interest. He was part of developing the parking lot in Beaver Grove, and that area is a problem. She wants her letter to go to the Board.

VII. COMMISSIONER COMMENT

Mike LaPointe thanked Doug Riley for all the work he put into planning this interview.

VIII. ADJOURNMENT

Mike LaPointe adjourned the meeting at 5:18 P.M.

Charter Township of Chocolay Planning Commission

Monday, April 12, 2004

7:30 P.M.

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

Absent: Bill Sanders and Tom Shaw.

Staff: Doug Riley, Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

Mike LaPointe called the meeting to order at 7:34 p.m.

III. APPROVAL OF THE MINUTES OF MARCH 8, 2004 MEETING AND MARCH 30, 2004 SPECIAL MEETING

Ken Tabor moved to approve the minutes of the March 8, 2004 meeting, Estelle DeVooght Seconded. Aye 5, Nay 0. Motion Approved.

Scott Emerson moved to approve the minutes of the March 30, 2004 meeting, Steve Kinnunen Seconded. Aye 5, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Motion by Steve Kinnunen, Ken Tabor Seconded that the agenda be approved as presented. Aye 5, Nay 0. Motion Approved.

V. PUBLIC COMMENT – None.

VI. OLD BUSINESS

A. Consider – Update to Comprehensive Plan – Recommendation of Consultant to Township Board

Mike LaPointe reiterated to the Commission the previous meeting wherein potential consultants interviewed. The Commissioners were asked to submit to Mike LaPointe their top choices for recommendation to the Township Board. How the voting process was to work was clarified. The Commissioners were asked if they would like to discuss the interviews/potential consultants before voting to which the response was that there was no need.

Doug Riley advised the Commissioners that Tom Shaw had remarked that he was to drop off his choices prior to the meeting as he knew he would not be in attendance, however, he did not provide the Commissioners with that information.

Scott Emerson remarked that the presentation provided by the Planning and Zoning Center indicated confidence and experience. He believes that the process will go smoothly with this group.

Estelle DeVooght was not in attendance at the interviews and, therefore, stated she could only vote according to the paperwork/proposals she had read.

Steve Kinnunen remarked that he liked the Planning and Zoning Center as well as they follow ordinances and will help with the comprehensive plan.

Ken Tabor stated that he also was unable to attend the actual interviews. He favored U.P. Engineers and Architects, however, he was happy with the Planning and Zoning Center as well.

Doug Riley reminded the Commissioners that their first and second selections were merely a recommendation to present to the Township Board.

Scott Emerson Moved, Ken Tabor Seconded, that the Planning Commission recommends that the Township Board hire the firm of Planning and Zoning Center based upon the content of their proposal and interview to complete the update to the Township Comprehensive Plan. The Planning Commission also recommends that the firm of U.P. Engineers and Architects be considered its second choice in the event that the Planning Commission's first choice cannot complete the project for some reason. Aye 5, Nay 0. Motion Approved.

VII. NEW BUSINESS – None.

VIII. PLANNING DIRECTOR'S REPORT

Doug Riley advised that on April 28, 2004 from 4:00 p.m. to 7:00 p.m at the Township Hall, entities such as the Township Board, DNR, local law enforcement, Chocolay Township administration and recreation specialists would be on hand to address the communities concerns and comments regarding the past snowmobile season and the outcome of the newly provided trail. A newsletter has been provided to the residents (joint letter by Township and DNR) inviting people to stop by or drop off a written comment to let these entities know how the season fared.

Scott Emerson asked if these questions/comments/responses were to be recorded of which Mr. Riley responded yes. A standard comment sheet is being devised which will be consistent for reporting purposes.

A meeting has been scheduled for April 14, 2004 at 6:00 p.m. at the Township Hall with the Michigan Department of Transportation to discuss the Little Lake Road detour this summer. Little Lake Road is being upgraded and all property owners on Little Lake Road were invited to this meeting.

Mr. Riley commented on the follow up to the corridor meeting stating that Mark Wyckoff has reviewed this matter and will have a discussion with MDOT. Access management regulations were addressed and Mr. Wyckoff is to look at Chocolay Township in this regard. Mr. Riley thought perhaps a special meeting could be held in May or June of 2004 regarding this matter.

The terms of Mike LaPointe and Scott Emerson as members of the Planning Commission are up in May of 2004. They are to advise Greg Seppanen whether they wish to be reappointed.

Randy Yelle has volunteered to cover the vacancy of the Director of Planning and Research until a Director has been hired to replace Doug Riley. Lee Snooks is to assist Greg Seppanen for the Township Board. The deadline for applying for the Director of Planning and Research is next week and Chocolay Township was in the process of interviewing.

The Planning Commission discussed how fast the past five years have gone by that Doug Riley was the Director of the Planning and Research for the township. He was much appreciated and wished the best of luck. Mr. Riley stated it was a hard decision to make but feels he is making the right move.

IX. PUBLIC COMMENT

Mark Maki addressed Doug Riley with a "good luck" and thank you for all you have done for the township.

X. COMMISSIONER COMMENT

Again, the Commissioners thanked Mr. Riley for a job well done and asked that he "send pictures."

Scott Emerson remarked that ORV's are now using the snowmobile trail(s) and that the local ordinances should be checked regarding usage and fines in that regard.

Mr. Riley stated the stage has been set for that and that Chocoday Township specifically asked to be excluded from the ordinance that allows ORV on streets. This may extend to the use of the snowmobile trail.

Estelle DeVooght asked if this issue could be addressed in the meeting wherein the township discusses with the DNR the past snowmobile season.

Scott Emerson stated he would like to see fines endorsed regarding ORV's on the snowmobile trails and Doug Riley suggested this could be addressed at the April 28th meeting as law enforcement would be in attendance as well.

There has been no word from the Supreme Court as of this date.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Riley to Board/PC – Re: Resignation – Accepted position in Colorado.
- B. Minutes – Township Board March 15,2004
- C. Information – Police Department – Re: Report on Township Snowmobile Patrol and Complaints.

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 8:10 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION
SPECIAL MEETING
Tuesday, May 18, 2004
7:30PM

Present: Bill Sanders, Ken Tabor, Steve Kinnunen, Estelle DeVooght, & John Trudeau

Absent: Mike LaPointe, Scott Emerson & Tom Shaw

Staff: Randy Yelle (Zoning Administrator), Dennis Magadanz (Public Works Director), Dennis Stachewicz (future Director of Planning & Research) & Mary Kratzke (Recording Secretary)

I. Mark Wyckoff stated that the purpose of this special meeting was two reasons:

- A. Review of the Draft Access Management Regulations
- B. Start the Updating of the Township's Comprehensive Plan

Draft Access: where you put driveways and/or other means of access on the property and how access is controlled from on the property relative to other public roads. Can be in the form of shared access, frontage roads, rear service roads, parking lot connections, no direct access...there are lots of different ways in which access can be controlled. This is done because scientific evidence shows that crash rates are dramatically higher when you have a large number of driveways in relatively short distances due to the number of conflict points that exist where people want to turn off of the roadway into driveways of interest. In Chocolay Township, we don't have very high crash incidents along the corridor except at the M-28/US-41 intersection and US-41/Silver Creek Rd.

There are two fundamental challenges in going ahead with the plan:

1. MDOT owns/controls only the right-of-way and no one is permitted to make connection to any state highway without MDOT's permission. This works okay where land has not been developed.
2. Local zoning has exclusive jurisdiction up to the right-of-way and this could have a huge impact on the road.

Conflicts were starting to occur along the corridor and based on experience, the Access Management Guidebook explains all this. MDOT realized that the only way to control this was with a coordinated process of decision making between the local government and MDOT along US-41 and a common set of regulations.

Mark Wyckoff reviewed a "draft model ordinance" that is in the Access Management Guidebook...marked up for jurisdictions that have not started the process yet....where zoning ordinances would fit, what section numbers it would be and what parts/pieces may be missing from the ordinances that need to be added.

Chocolay Township has already signed the memorandum of understanding w/MDOT to participate in this process and ultimately adopt an ordinance to implement it.

This is the 2nd to the last step that is identified in that memorandum of understanding. The last step is to participate with a site plan review committee that meets with the 7 other jurisdictions on the corridor and MDOT to go over any projects that are proposed on US-41.

Overview of what's in the document:

Shaded text: standards we may need to look at....need to be particularized to Chocolay Township.

Red text: Adaptation of the "model" to fit our area.

Page 1 – Transmittal of the elements that are included.

Page 2 – Sample paragraphs that could be added to our Master/Comprehensive Plan to adopt by reference the US-41 plan as part of our Master Plan. Since Chocolay Twp. Is at the start of our update plan process, this should make it easier to us. It'll just be a part of the plan; not an amendment.

Draft Access Plan Amendments: 3 categories:

1 – Section 905 Fees in Escrow for professional reviews. Gives the township the authority to require a developer to provide escrow money for professional reviews. Local governments can require a developer to pay costs of analyses (ie, traffic impact) for projects but only if the ordinance requires. Most communities that have this threshold do not use it often, but when they do need it, it's there.

2- Section 906 Access Mgmt. Regulations: Detailed information on how land is used relative to roadways.

Almost all jurisdictions, once they have gotten in to this, have wanted to adapt this to roads other than on the corridor. We have a choice as to whether we want to apply this to anything other than US-41 and this can be done on (Page 4; paragraph 1...)

List of Definitions only apply to *this section* of the ordinance.

Detailed provisions. (driveways, frontage roads, service roads, etc.) These are techniques that have a huge, huge ability to allow traffic to move back and forth between places w/o putting it on the roadway. MDOT cannot require these because it is o/s the scope of their authority; but it's fully w/in our authority.

Pg. 28 – Incentives: (Sec. 2) Some townships have dropped this section completely, re-numbering #3 to #2. Mark wants us to consider doing that when we are doing this one.

Waiver: Mark feels this is much more effective. Variances are purposely drafted so that they are very, very, very hard to get because the Board of Appeals can undermine the integrity of what you are trying to accomplish. But, waivers are not as difficult to get as long as certain circumstances are met.

3 - (last 2 pages): Pretty important for Choc. Twp. – Not so important if you only apply it to US-41 up to M-28. If we choose to include other county primaries, then it becomes very important. Where you have large sections of undeveloped property, the fastest way to “loose the war” is. (Locks in the access as of the date that you adopt this ordinance...it will guarantee one point of access and it will save lives by preventing accidents/injuries.)

- Preserve right of access for number of smaller lots
- Preserve plat process of subdivisions
- ie, Has only one access road vs. 5 frontage lots each w/their own driveway.

Commissioner Comments –

Estelle – How can you talk a property owner into making one d/w – he'd have to have a cul de sac, etc. – when all he would have to do is sell 5 lots – how would you talk a property owner in to going that way? (Would not have to talk him in to that; it would be a regulation and we are just trying to preserve our investment in that road for our use and for future use along with trying to protect lives and property damage & injury). Mark noted that MDOT has a brochure available for commercial development. At present, there is not one available for residential development. MDOT also has a brochure available on Driveway Permits.

Kinnunen – States that proof by example, there isn't anybody in this area that won't admit that the development that they pursued in Marquette Township that causes all those road problems, know of access management problems...are the same typical ones that you are going to be creating with the develop. Along any main artery thru our twp. Or anybody else's, we don't even have to educate them; just tell them what we are trying to prevent.

Mark: Takes an education process. It should be noted that there are a total of 13 high crash intersections on this corridor, two of which are in Choclay Twp.

Kinnunen – Concerned about presenting this to the public; possibility of having something drafted for use by all areas in educating citizens. Also stated that we should stress safety issues, too.

Kinnunen: Suggested that this may be the time to consider including a portion of M-28 in this plan also to make sure that commercial development is done with an access road.
(major commercial development corner)

Mark: US41 – M-28 is **the** lifeline for all 8 jurisdictions along this corridor – this is the trunkline that connects us to everything else and everybody is trying to make that corridor do everything for them instead of building parallel roads/access roads for them.

ACTIVITIES RE: PLAN UPDATE:

Dennis Stachiewicz needs to create a sub-committee from the planning committee, zoning administrator and preferably a board member or two, to focus on this. (Mark does not recommend the entire planning committee, however).

Sanders - Feels that we should include all roads in this plan. Kinnunen agreed, stating that it wouldn't hurt residential development at all. John Trudeau also mentioned that there is a real problem in on US-41 in Beaver Grove at 480.

Included on Dennis's "**to do**" list of activities related to the plan:

1 – **Leadership survey** from up to 30 persons (members of the Planning Commission, Township Board, Zoning Board of Appeals, the Zoning Admin and Public Works Director) Also should include local leaders such as the clergy, parks & rec director, etc.) Mark gave the survey packets to Dennis to be distributed. Mark also noted that these surveys are due back to him by **June 25 and it is critical that he gets them back**. Dennis should maintain record of who these were given out to.

2 – **Conduct Visioning Town Meeting** - Everyone in the township is invited to participate and give feedback. 6-8 people/round table with a recorder (planning commissioner) who will record observations being made by the public on that particular element. First session will be "Prouds/Sorries" exercise. This will probably be the only activity in this planning process that will actually be fun. EVERY idea is recorded; nothing is censored. People will identify people/places/things/events/activities within twp of which they are proud and the same for which they are sorry (wish they were offered, but currently are not).

At end, 3 proudest "prouds" and 3 "sorriest" sorries will be chosen and recorder will present.

After that, a brief trends/conditions report will be given to tell the citizens about sign. Trends that are taking place.

Break: serve refreshments...keeps enthusiasm high.

Main exercise: Visioning – Ask people to go 20years in to the future, ie 2025 – describe people/places/things/events/activities as they want it to be 20 years from now. Record info and vote what they want to become a reality for each group. This is valuable for Mark to give direction as to what they need to look at. However, this is only valuable if you get people to participate.

Package includes techniques that you can use to get people to come to this session:

1 – Pick date that does not have a lot of local conflicts

- Estelle mentioned that July would be better than August due to all the local fairs and fests.

- Sanders suggested that we could possibly piggyback this with the Chocoday Summerfest as people will be out and about anyway.
- Mark stated their preference would be to have it in July, however Mark will be on vacation the first two weeks in July.
- Kinnunen suggested holding it at the Cherry Creek School for this “new” beginning rather than holding it at the old Silver Creek School, which has caused a lot of contention in the past.
-
- 2 – “Talk it up” big time to neighbors, friends and ask them to bring a friend and/or enemy. (Cross-section is most valuable); it would be ideal to get 150 people in attendance. Phone tree network would work best.

“Help Plan Chocoday for 2025”...you have a chance to make a difference.

Same day we do JOINT VISIONING TOWN MEETING, Mark would like to do a co-ordinating walking/driving tour of key places in Chocoday Township.

Need to secure a photographer to take ***digital*** photos of great views, fall pictures, winter pictures before & after plows; need to include all four seasons. Sanders mentioned Jim Carter, former Choc. Twp. Resident.

Sanders asked about the possibility of using the webpage for the public to submit their pictures and suggestions. Mark reminded us that when photos are submitted, the submitter should be identified so that credit can be given.

John Trudeau and Bill Sanders both mentioned that they want to be involved when Dennis makes plans on this project.

Next Planning Committee meeting is scheduled for June 7.

Randy Yelle, Zoning Administrator

Mary Kratzke, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, June 7, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Scott Emerson, Ken Tabor, Mike LaPointe and Tom Shaw.

Absent: Bill Sanders

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS

- A. Text Amendment #04-01: a request to change the R-1 District in Sec. 10 T47N-R24W, parcel number 52-02-110-063-00, 3.67 acres, located between Timbercrest Garden Center to the west (C-3) and Residential (R-1) to the east to a Planned Unit Development District for the purpose of constructing a mini-storage complex.

Mike LaPointe open the public hearing advising those in attendance at the June 7, 2004 meeting that they will all have a chance to speak. He reiterated the request outlined in I. A. regarding text amendment. Mr. LaPointe then asked Dennis Stachewicz to provide an overview.

Mr. Stachewicz referred to his memorandum dated June 4, 2004 where he laid out the issues to the Planning Commission and advised them to consider whether or not the PUD District will allow enough control over the proposed development to support the standards outlined in Section 508 of the Zoning Ordinance and not have a detrimental affect on the resident neighborhood to the east.

Mr. Stachewicz pointed out the following issues:

- The parcel is currently vacant and serves as a buffer to the residential area.
- The parcel has natural gas and electricity available there now.
- Water would be via private well; however, this is not needed for a mini-storage complex.
- The soil type information has been provided and if the request is granted, landscaping will have to be done to the parcel.
- The Comprehensive Plan was cited as the site design is critical to this request.
- Another issue raised was future land use allocation per the Comprehensive Plan.
- The history of requests for use of this parcel was discussed (more particularly the request by Roger Wotring in 2002) and the point made that the Planning Commission should discuss whether or not conditions have changed from previous denials for use of this property.
- There is not a landscaping or lighting plan outlined in this request of which Mr. Stachewicz believes is important.
- The site plan does not include building elevations, which should be addressed.
- "Spot" zoning was discussed.
- There has been no feedback from the residential area located near the parcel of land in question; nothing positive or negative in writing.
- Winter maintenance should also be considered.

Mr. Darwin Britton then addressed the Commissioners regarding his request. He provided photographs of what the proposed storage buildings would look like. He described the building materials, drainage and proposed landscaping. He outlined the proposed phases of building storage compartments. Mr. Britton is a grade foreman for Lindberg Gravel and, therefore, is knowledgeable of the requirements for a grading easement. He would like to put up an illuminated sign and use 2 lights with 50 watt bulbs per building, which will deflect to the buildings. The summer hours for the proposed mini-storage buildings would be 8:00 a.m. to 8:00 p.m. Mr. Britton owns a snow removal business and would take care of the snow removal himself at 8:00 a.m. or shortly thereafter.

Mr. Britton has an architect “standing by” and would provide the Commissioners with a plan within 2 weeks of approval. He stated that the elevation of the proposed mini-storage buildings would be comparable to Timbercrest.

Mr. LaPointe opened discussion to the public at this time.

Charles Hudson – 104 Dana Lane. His home would be located closest to the proposed buildings. His drain field is located close to the property in question. He stated that there is too much activity on Dana Lane as it is now. The jack pine trees to be used as a buffer for noise have very little branches. He is against building commercial on this property and would prefer to see a home built there.

Gordon Uren – 116 Dana Lane. Mr. Uren had several concerns. He quoted from the Zoning Ordinance that an R-1 zone is intended to be used for family housing. He quoted from Sections 215 and 505 of the Zoning Ordinance and said the request does not meet the intent of zoning. He said standards 1, 9 and 11 are not being met. He referenced potential ground water contamination from misuse of the storage buildings, i.e.: changing oil on vehicles, etc. He believes this area to be “spot” zoning.

Charles Hudson – 104 Dana Lane. Mr. Hudson pointed out that he does not believe the square footage for the parcel in question is correct.

Kim Erickson – 120 Dana Lane. Mr. Erickson also does not believe the square footage outlined in this request is correct. He pointed out that he has attempted to purchase this parcel of land, however, it is priced as “commercial” property, thus too expensive.

Bill Beckman - 1719 Woodland. Mr. Beckman said this parcel of land has been in the family for 100 years. He and his brother, Glen Beckman, would like to sell the property to Darwin Britton. They understand the concerns of the neighborhood, however, they feel they have the right to sell this property.

Glen Beckman addressed the issue of the footage in question and gave history as to the property lines for this parcel. He stated that they have been trying to sell that parcel for years and that no one wishes to purchase it to build a home next to Timbercrest.

There is 100 feet in question that is owned by Dana Varvil that was discussed with no resolution.

Estelle DeVoght asked if this land has been surveyed. Glen Beckman affirmed.

Mr. LaPointe agreed that there was a discrepancy in the footage of this parcel and this will be addressed. Public comment regarding this item was closed.

- B. Private Road #04-01: a request to construct and maintain a private road in Sec. 9 T47N-R24W off of Jennifer Lane across from Candee Lane, to serve development of 20.1 acres, parcel number 52-02-109-128-00.

Mr. LaPointe reiterated the request outlined in I. B. then requested that Dennis Stachewicz provide an overview.

Mr. Stachewicz pointed out the following issues:

- Eric Keough is the applicant.
- There is an area in the proposed cul-de-sac which is 5 feet lower than the grade of Jennifer Lane.
- Naming the private drive “Pine Cone Trail” has been researched and approved by the State Police Central Dispatch.
- The applicant is responsible for easements.
- This application is purely for the use as a private road and not a subdivision.
- Applicant will attempt to obtain a permit to construct at least one home. Said property would allow for four parcels to be purchased for constructing homes.
- Mr. Keough’s proposal meets the necessary requirements.
- The proposed road does not appear to have an impact on the existing neighborhood.

- Private roads usually get turned over to the municipality in the long run, which is why the design should be critically reviewed.

Mr. LaPointe asked if the applicant was in attendance and if he would like to address the Commissioners.

Eric Keough advised he owns 20.1 acres of land and provided photographs of the property. He is a licensed builder and realtor. The land is currently used by people for recreational purposes, i.e. dirt bikes, ATV's, etc.

The grade of the proposed road and cul-de-sac will be addressed by Smith Paving.

The Marquette County Sanitation Department has been to his property. The Health Department has approved the well and septic system.

He intends to only cut down ½ acre of trees to build homes. He currently has 2 individuals interested in having a home built on this property which Mr. Keough believes will sell in the \$195,000.00 range and generate revenue for Chocolay Township.

Mike Mileski, project surveyor, was with Mr. Keough and verified boundary limits.

Public comment regarding this item was closed.

II. MEETING CALLED TO ORDER/ROLL CALL

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

III. APPROVAL OF THE MINUTES OF APRIL 12, 2004 and MAY 18, 2004 MEETINGS

Scott Emerson moved to approve the minutes of the April 12, 2004 meeting, Estelle DeVooght Seconded. Aye 6, Nay 0. Motion Approved.

Steve Kinnunen moved to approve the minutes of the May 18, 2004. Ken Tabor Seconded. Aye 6, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved that I. B. (Private Road #04-01) be moved to be heard first and 1 A. (Text Amendment #04-01) be held second in Public Comment. Ken Tabor supported. Aye 6, Nay 0. Motion Approved.

V. PUBLIC COMMENT

A. Private Road #04-01. Clarification was made regarding the grade concern and size of the cul-de-sac. It was discussed that if this road/cul-de-sac may ever be turned over to the Marquette County Road Commission, it should meet the County standards.

Steve Kinnunen stated he had looked at and measured the property of Mr. Keough and believes that a wider road, i.e. 24 feet would be more appropriate as four houses are proposed to be built on the 20.1 acres of land and consideration should be made for the amount of vehicles that will eventually use this road. Mr. LaPointe questioned whether the cul-de-sac specifications were taken from the Marquette County Road Commission specification booklet.

Mike LaPointe asked that the proposed restrictions be clarified which included grade/drainage, extra width to road, and accessibility for emergency vehicles.

Steve Kinnunen moved, Scott Emerson second, that after review of Private Road Request #04-01 (Private Road #18); the standards of Section 402, D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The base of the cul-de-sac area is to be filled to meet the elevation of the road profile where it connects with Jennifer Lane.
- 2) The applicant shall provide access to township vehicles as well as other public/private utility companies to provide services.
- 3) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 4) The applicant pay for and install a road sign identifying the private road as "Pine Cone Trail" at the intersection with Jennifer Lane and the applicant is to pay for and install a stop sign at the same intersection.
- 5) The applicant comply with the conditions and requirements of all other agency regulations.
- 6) The applicant is required to provide certification from a surveyor/engineer that the private road standards imposed by the Planning Commission indicating a twenty-four foot road width, two foot shoulders, and adjustments to the cul-de-sac entrance radii that will allow for construction of a cul-de-sac in accordance with the Marquette County Road Commission standard detail, have been achieved at the conclusion of construction.
- 7) A zoning compliance permit shall be issued after all of the above conditions are met.
- 8) The applicant is strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed lots prior to road construction.
- 9) Land Division Approval is required from the Assessor for the creation of individual parcels off from the road and may require the modification of the lots as shown.

Aye 6, Nay 0. Motion approved.

Text Amendment #04-01. After much discussion by the Commissioners, Dennis Stachewicz, the applicants and concerned parties, it was suggested by the Planning Commission that this issue could not be addressed at this time until the question of the property line be resolved.

Mr. Stachewicz pointed out that this issue could be tabled for 45 days to allow the time necessary to research the property lines.

Darwin Britton was concerned with that timetable as this request needs to be presented to the Chocolay Township Board for approval. This would put any construction of the mini-storage buildings into late Fall which would not be conducive to Mr. Britton's plans.

Scott Emerson suggested the site plans be addressed and re-evaluate the lay out of the proposed buildings.

Ken Tabor asked what would happen to the property years down the road. Would this parcel revert back to residential?

Mike LaPointe advised Mr. Britton that the Commissioners do not like to table issues, however, in this case, there are specific questions that need to be addressed.

Dennis Stachewicz stated a special meeting could be held to speed up the process in an effort to help with Mr. Britton's time table concerns.

Scott Emerson would like to see alternatives to PUD.

Dennis Stachewicz stated the preliminary plans should be somewhat detailed in order to meet the requirements of the ordinance. Mr. Stachewicz also said the process includes the Planning Commission, the County Planning Commission, and then the Chocolay Township Board. He said this is a minimum time table of two months.

Darwin Britton quoted Randy Yelle as stating this is a PUD, not a rezoning, thus this issue does not have to go through both entities.

Dennis Stachewicz referenced the Zoning Ordinance and advised the Planning Commission that the request is a rezoning and must be reviewed by the County Planning Commission. Mr. Stachewicz suggested he work with the applicants and Randy Yelle, research the property lines and ensure all requirements are met.

Mike LaPointe stated Mr. Stachewicz is to work out the details and a special meeting will be scheduled.

Aye 6. Nay 0. Motion carried.

Meeting break at 9:41 p.m. Resumed at 10:05 p.m.

VI. OLD BUSINESS

A. Discussion – Update of Comprehensive Planning Process.

Estelle DeVooght stated she was not impressed with the planning process. She believes this requires too many meetings, too many people involved and too much time.

Scott Emerson pointed out that multiple people are needed for their input.

Dennis Stachewicz advised the Commissioners that on August 5, 2004, a meeting will be held at the Cherry Creek School beginning at 7:00 p.m. This meeting is an attempt to get the community to come together with their ideas and thoughts regarding the Township. He plans on sending out packets and canvassing the area businesses. Mr. Stachewicz read a list of people that were going to be asked to complete the background survey.

Dates were suggested and a meeting with the consultant and Township Board was tentatively scheduled for September 8, 2004, 5:30 p.m. at the Township Hall. A second date for a meeting with the consultant and the Planning Commission was tentatively set for November 4, 2004 @ 7:30 p.m. at the Township Hall.

VII. NEW BUSINESS

A. Annual Election of Officers.

Estelle DeVooght moved that the current status of officers remain. Ken Tabor Seconded. Aye 6. Nay 0. Motion carried.

B. Discussion – US 41 Corridor Access Management Subcommittee.

This will become part of the Comprehensive Plan and will be addressed in the fall. There is no great urgency at this time for adopting the corridor. Steve Kinnunen pointed out that grants are being researched at this time. Mike LaPointe suggested this issue be tabled to be discussed at another time.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz has had this position for several days. He is happy to be involved with the Township.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

The Commissioners welcomed Dennis Stachewicz and complimented him on his thorough presentation of the items on the agenda for this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Minutes – Marquette Township Planning Commission
- C. Publication: *Planning and Zoning News*

XII. ADJOURNMENT. Mike LaPointe adjourned the meeting at 10:15 p.m.

**Charter Township of Chocolay
Planning Commission**

Monday, July 12, 2004

7:30 P.M.

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

Absent: Tom Shaw

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research, Denny Magadanz, DPW Supervisor, and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARINGS

A. Rezoning #129 – A Request to Rezone Parcel 52-02-007-014-00 from OS (Open Space) to R-1 (Residential)

Dennis Stachewicz gave a quick overview and said the staff recommends denial of the request.

Mark Maki of 370 Karen Road said he was Zoning Administrator from 1977 to 2002. He gave a history of that area when he was at the Township.

Janet Amundson of 2029 M-28 East said some people did not get notification because their addresses were not updated with the Township. Can the Township send letters return receipt or registered mail?

Gale Manosky of 2025 M-28 East bought this house to retire in, it is a tiny house. They just want to improve the house, which would increase the attraction of the neighborhood.

Public Hearing was closed at 7:45.

II. MEETING CALLED TO ORDER AT 7:47 P.M.

Approval of Minutes. Estelle DeVooght Motioned, Scott Emerson Seconded to approve the June 7, 2004 Minutes. Aye 6, Nay 0. Motion passed.

III. APPROVAL OF AGENDA

Steve Kinnunen Motioned, Ken Tabor Seconded that the Agenda be approved as presented. Aye 6, Nay 0. Motion passed.

IV. PUBLIC COMMENT

Mark Maki of 370 Karen Road. Mr. Maki asked the Commissioners if they received a copy of his letters. Bill Sanders said he has the copies. Mark Maki

then passed out other correspondence. He said he has a complaint to file against Randy Yelle regarding information he asked for regarding the permit for a sign in a RP district he believes was issued in violation to the Zoning Ordinance along M-28 East last fall. He has received no response from Randy Yelle. In March/April a permit was issued by Randy Yelle for a park in violation of the Zoning Ordinance. Mr. Maki requested to be put on the June 25, 2004 Agenda, but was not. He said Randy Yelle violated the site plan review section also. Mr. Maki said he talked to Dennis Stachewicz today informing him that Randy Yelle is not following the Zoning Ordinance.

Public Comment closed at 7:50 p.m.

V. OLD BUSINESS

A. Text Amendment #04-01 (Rezoning #128)

The previous meeting identified a property line dispute, and a certified survey must be done.

Mr. Britton was asked to withdraw until the lot lines were cleared up. At this time Dennis Stachewicz will recommend to the Planning Commission to deny the application.

Estelle DeVooght asked if there were steel posts found at the property corners. Mr. Beckman said there were posts on the corners and he has hired a surveyor to make a drawing.

Dennis Stachewicz explained the 200' parcel on a map shown and the 100' buffer. He said if a certified survey was not produced, the Township could be sued if they proceeded because they could be held liable for knowingly allowing the applicants to build on property they may not own. He stated that it would invalidate the application if the parcel lines are different than the original application.

Bill Sanders asked if it moved 40' east, it would make the lot line closer to Dana Lane, and then it could be that more property owners on the other side of Dana Lane would need to be notified by law.

Darwin Britton showed a change in the site plan to the Commissioners. He wants to continue the process and handle the questionable issues as they come up.

Scott Emerson said the buffer would then be moved to the east if the 100' parcel in question was different. He agrees with Dennis Stachewicz that we need a certified survey. If it includes more parcels, the owners have to be notified by law.

Gordon Uren said the circumstances of the application have changed. People within 300' must be notified. Those people on the other side of Dana Lane care about what is happening in their neighborhood.

Dennis Stachewicz said the applicant has paid \$250.00 to be heard. If they withdraw, there may be no charge for re-opening it. If they want to move forward, the Planning Commission must make a recommendation.

Bill Sanders does not feel the site plan is detailed enough. It should be denied.

Darwin Britton said he had an architect draw up the site plan and it shows all the details.

Bill Sanders said the Zoning Ordinance is clear as to what is needed for a PUD. Bill Sanders explained that Dennis Stachewicz was not yet hired by the Township at that time. If they do not have a certified survey, the Planning Commission cannot approve it.

Darwin Britton said Randy Yelle told him he did not need a detailed site plan.

Darwin Britton felt that the site plan was complete, and the lighting was discussed at the last meeting. They would have down-lighting or whatever the Township suggests and plant whatever kinds of trees the Township wants. They are open for discussion, and will work with the Board. He said he moved the buildings on the site plan, has parking and signs drawn in along with the berms with trees and shrubs. He wants to go over everything as a group.

Scott Emerson said the site plan has been tweaked and they had a general discussion at the last meeting. He feels the cart is before the horse at this point.

Darwin Britton said they can make changes, but he needs input from the Commissioners.

Gordon Uren feels that generally the public was objecting to the warehouse coming into that area. If it does go forward, he feels the public wants input in the planning. He wants to know exactly how close it is to his property.

Bill Sanders said Darwin Britton can withdraw his application or he would be denied tonight.

Darwin Britton said he would withdraw his application at this time.

Dennis Stachewicz said he would speak to the Supervisor regarding the application fee. He suggested that Darwin Britton come into the office on Tuesday and that the Beckmans bring him a certified survey.

VI. NEW BUSINESS

A. REZONING #129 –Requested Rezoning from OS to R-1

George Manosky said OS (Open Space) must have 20 acres. He thinks this was an oversight by the Planning Commission. He wants to enlarge his house, and already is 6 to 7 months behind in his plans. His neighbor to the east at first said they did not want to be involved, and then wrote letters of protest. His house is now 864 square feet; he just wants to build a decent house.

Janet Amundson said if they build a house as planned, the Manoskys will see right into their windows and that the sand dunes are very fragile.

Gale Manosky showed the Commissioners pictures of their present house and the Amundson's A-frame house in relation to theirs and said the east and west roof had no windows for them to look into. She argued the distance to the lot lines, explaining that there is a well in between the houses.

Dennis Stachewicz explained that there is one vacant lot left in that area, and most of the houses are nonconforming.

Bill Sanders feels this would be spot zoning. If they change this lot, all of the lots should be changed. Maybe they should ask for a variance instead.

Dennis Stachewicz explained that in the Comprehensive Plan this area was identified as an area with development limitations. Based on his interpretation, the Planning Commission, at the time the property was zoned, was hoping the area would eventually revert back to Open Space.

Scott Emerson said this area is prime real estate due to the lake views. He feels the best thing would be to rezone it all. As a developed area, it should be considered for rezoning. He asked the Manoskys if they could design something compatible with the neighbor's wants/needs. He would hope they could negotiate and find something mutually compatible.

Mike LaPointe said he would not approve spot zoning for the one lot.

Scott Emerson questioned the rezoning of the whole area to R-1, as half of the property owners do not want to have it rezoned.

Estelle DeVooght said there were just camps when the Planning Commission first zoned that area open space. The Planning Commission hoped the camps would just deteriorate and not be improved. People passed the property to children and now they want larger houses. This area could be destroyed with a bad storm and there would be nothing left.

Mike LaPointe Moved Sanders Seconded, that following the review of Rezoning Request #129, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #129 to the Township Board to rezone parcel 52-02-007-014-00 from OS to R-1 due to:

- 1) The rezoning would grant a special privilege to a single property owner that is not available to others in the surrounding area.
- 2) The property can be reasonably utilized under the current zoning designation.

Aye 6, Nay 0. Motion passed.

B. Junk Car Ordinance Update

Dennis Stachewicz reported that this is one of the top ten projects the Township is working on. A junk car survey was done along with the Community Center survey. The Township needs to have clear language because this is a big issue. Greg Seppanen has obtained an intern to do a study on junk cars. Dennis introduced Kristin Thorrington, who is doing the study.

Kristin Thorrington gave an update. She has done some research on other area junk car ordinances. Clear language and enforcement is very important.

Bill Sanders said he looks at it logically, and can see a health side to collecting junk cars.

Kristin wanted to know what the Commissioner's felt was the Township's primary reason for a junk car ordinance. Was it aesthetic or health issues?

Dennis Stachewicz felt both issues were important to residents.

Estelle DeVooght asked why vehicles need to be licensed if they were sitting in someone's yard and not being used.

Kristin Thorrington asked about trucks used only in the winter months for plowing. Should they be licensed, as they are driven on the road?

Dennis Stachewicz asked about stock cars on trailers? Is this an aesthetic or health issue? We need to get feedback from the Planning Commission.

Steve Kinnunen felt they are both important.

Estelle DeVooght felt that aesthetics were more important.

Bill Sanders feels that environmental issues were a no-brainer. He does not want to see Chocoley Township to become too strict, where we cannot even have a

clothesline in your yard. He feels residents should be able to have a couple cars (fix-up cars) on their property, but not 40 cars.

Ken Tabor agrees.

Scott Emerson agrees with the health issue and does not want this Township to become too strict.

Steve Kinnunen said he does not want to have too complex language where we lose focus.

Dennis Stachewicz suggested tightening up outdoor storage to allow requirements by district.

Bill Sanders feels health and environmental issues covers outdoor storage. He does not want to see Chocolay Township heavily regulated, zoning is for land use.

Kristin Thorrington said she wanted to finish in September, and will keep the Planning Commission updated.

Bill Sanders thanked Kristin for all the work and appreciates the time she has put into it.

C. Lake Superior Watershed Partnership

They will come at a later date.

D. Joint Meeting with Township Board

Ken Tabor Motioned, Bill Sanders Seconded, to invite the Township Board to attend a joint meeting with the Planning Commission to be held on September 8, 2004, 5:30 p.m. at the Township Hall, facilitated by Planning and Zoning Center, Inc. to discuss the results of the Town Meeting /Visioning Session and go on a tour of key areas identified in the Township. Aye 6, Nay 0. Motion passed.

E. Access Management Training

Dennis Stachewicz reported that it will be on September 9, 2004, no time or place decided upon at this time. It will last 2 to 3 hours, and you will get a manual, which is great reference material. Mark Wyckoff will present the training.

Bill Sanders noted he went to a training session in Escanaba, which lasted all day.

Dennis Stachewicz said this is a condensed version. It will probably be either at the Lakeview Arena or the Negaunee Township Hall. Dennis said he would

contact all the Commissioners to possibly car pool together. Dennis also noted that he needs an updated e-mail address from all the Commissioners.

VII. PLANNING DIRECTOR'S REPORT

Comprehensive Plan- Dennis Stachewicz will get the Commissioners copies of the background information if they want it. Needs more recorders for the Town Meeting on August 5th, Thursday, at 7:00 p.m. at the Cherry Creek School. Mike LaPointe will not be there. The Township staff has been handing out fliers to residents coming in to pay taxes or pick up absentee ballots. Dennis Stachewicz said he plans to get fliers out to businesses this week.

Planning meeting requested by the consultant has been scheduled for November 4th 7:30 p.m., at the Township Hall to review draft materials related to the plan. Dennis Stachewicz said the Planning Commission may reschedule their regular to November 4th. Scott Emerson will be gone for the September and November meetings. Dennis Stachewicz said he would keep him informed.

The County Health Department asked us to look at our land use applications and to notify applicants of County requirements.

The Zoning Administrator has given a Dennis a list of violations as of June 2004, a letter to Tom Waselesky, and the Waselesky lab report regarding water testing.

Meeting with Attorney Summers, Mark Maki, Randy Yelle and Dennis Stachewicz on July 14th regarding Maki's complaints.

Snowmobile Trail – The Township is trying to set up a meeting with the DNR regarding speed, and hours of use, and a business route.

VIII. Public Comment

Mark Maki stated he is suspicious of the Waselesky water testing results. He wants more information. He feels the Waselesky junkyard has not been cleaned up as per the court order and feels this must be enforced. He also feels that the Keough private road request doesn't have 5 splits. The he thinks the assessor gave 6 splits. He believes she is not following the State Land Division Act. Mark Maki said the Township tried to give away some land to Habitat for Humanity. He believes they cannot do that. Bill Sanders said the Planning Commission was involved in the early stages of identifying potential sites for the Habitat for Humanity project. Regarding the memo on campgrounds and parks, Maki requests that the Planning Commission appeal the Zoning Administrator's decision to the Zoning Board of Appeals. He has requested copies of meetings. He feels the Board must deal with these issues.

IX. Commissioners Comments

Scott Emerson thinks the Planning Commission should get a letter written regarding the Snowmobile Act. He feels the DNR is not pushing the ORV's because they do not have the backing that the snowmobiles had. He wants the Planning Commission to address issues for the trail in a letter. A curfew should be in place from midnight to 8:00 a.m. and a speed limit of 30 mph through residential areas. These are based on the complaints received during the winter of 2003- 2004. Noise and speed complaints made up 70% of the complaints. Also he would like to see improvements of the trail itself so it can be used as a bike and hiking trail spring through fall. He would like to see blacktop put on the trail.

Bill Sanders asked if there are any grants available. He would like to see more interesting trails (curves), which would require slower speeds. He suggests a limestone trail.

Scott Emerson said the majority of the year it is not used for snowmobiles, but instead could be a non-motorized trail. He would like to see speed limits posted and enforced. He believes the noise all night long, keeping people from getting good sleep, is a health issue to the residents who live along the trail. He would like to see the DNR working with Chocolay Township to reduce the negative impacts of the snowmobiles, enhance the non-motorized use on the trails, and lessen the impacts snowmobiles have on neighborhoods and wildlife. We need to tell the DNR what we as a Township want.

Scott Emerson suggests the Planning Commission recommend to the Board that a letter be sent to our Representatives, Governor, and Michigan Township Association that the Snowmobile Act be amended to mandate that residential areas of a certain population density be subject to local zoning. Snowmobiles are hazardous in residential areas. These two letters need to be written and sent out.

Bill Sanders, Mike LaPointe and Ken Tabor noted their support. Mike LaPointe questioned who would do the enforcing of the laws? There must be adequate enforcement for speed limits and curfews in order for this to do any good. Right now there are no rules or regulations along the snowmobile trail through Chocolay Township. All of the Planning Commissioners supported that these letters be written.

Bill Sanders Motioned Steve Kinnunen Seconded, that the Planning Commission authorize Scott Emerson to write a letter to submit to the Township Board, the DNR, Michigan Townships Association, and the Governor that includes a suggested speed limit and curfew limits on the snowmobile trail through Chocolay Township and promotes a change in legislation regarding the Snowmobile Act to include establishment of local government zoning authority, which was an oversight in the original law.

Aye 6, Nay 0. Motion passed.

Bill Sanders gave information about sound decibels relating to the snowmobiles.

Scott Emerson noted that snowmobiles in packs had even higher decibels. The DNR needs to work with the Township.

Steve Kinnunen suggested we remind the DNR that they would give the Township a copy of the data they gathered regarding the trail. Dennis Stachewicz said he would check into getting that information.

Steve Kinnunen suggested we add a requirement for a certified survey to be part of the Township Rezoning and PUD applications. The boards need this information before making decisions so problems like this current one do not happen again.

Dennis Stachewicz feels that this should be taken care of in the Township office before coming to the boards. This incident caused Darwin Britton to be backed up all summer and a certified survey should have been requested right away. He will research this issue.

Steve Kinnunen wondered what would have happened if this PUD would have gone through? Could the Township be sued? He feels the certified survey requirement should be on the application. He does not want to go through this situation again. It makes the Township look bad.

Dennis Stachewicz noted that the City of Marquette requires a survey for Zoning Board of Appeals applications.

Steve Kinnunen suggests putting the requirement of a certified survey on the PUD at least to start with. The Township would be more professional with that information.

Mark Maki stated the Planning Commission makes rules, and a PUD gives a way to go around the rules. He said a PUD is spot zoning.

Bill Sanders adjourned the meeting at 9:55 p.m.

Respectfully submitted by:

Estelle DeVooght, Secretary

Cathy Phelps, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, September 13, 2004
7:30 P.M.

Present: Estelle DeVooght, Steve Kinnunen, Ken Tabor, Mike LaPointe, Bill Sanders (Tom Shaw arrived at V. Public Comment)

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr., Director of Planning and Research, Lori DeShambo, Recording Secretary and Kristen Thorrington.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

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

III. APPROVAL OF THE MINUTES OF August 9, 2004 MEETING

Ken Tabor moved to approve the minutes of the August 9, 2004 meeting, Estelle DeVooght Seconded. Aye 5, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to Approve the Agenda. Mike LaPointe supported. Aye 5, Nay 0. Motion Approved.

V. PUBLIC COMMENT – None.

End Public Comment at 7:32 p.m.

VI. OLD BUSINESS

A. Work Session – Review and Comment on Draft Junk Car Ordinance

Open for discussion. Dennis Stachewicz began overview, introduced Kristen Thorrington, NMU student involved in the draft junk car ordinance.

Topics covered by Mr. Stachewicz:

- ✓ Met with Zoning Administrator and Greg Zybert of the Chocolay Township Police Department to review who is responsible for enforcement of the ordinance.
- ✓ A draft of the Junk Car Ordinance was provided to the Township attorney, Mike Summers, who has approved the same.
- ✓ The community survey that was sent out included the junk car ordinance and a large response was received in that regard.
- ✓ Section III of the draft junk car ordinance was referenced and Mr. Stachewicz laid out the definition of motor vehicles and how they pertain to the ordinance.

Goals covered by Mr. Stachewicz:

- Review ordinance
- Ensure language is correct
- Define the number of vehicles allowed per location
- Residential R1, R2 or R3
- Provisions, variances and the like

Dick Arnold of 312 Co. Rd. 545, Marquette, MI addressed the Commissioners stating that the draft does not address farming equipment, i.e.: tractors. Also referenced the term “in-operable vehicle”, does this mean non-drivable vehicles? He stated he believed it will be difficult to enforce this draft ordinance. There were 115 signatures turned in by Mr. Arnold.

Reference was made to relegating the enforcement of the ordinance to the Zoning Administrator. Mr. Stachewicz advised that Mr. Yelle is willing to become the enforcement officer of the junk car ordinance.

Mr. Stachewicz asked Dick Arnold if his question regarding “in-operable vehicles” was in regard to licensed vehicles.

Bill Sanders asked Mr. Stachewicz about paragraph one which lists property sections. Mr. Stachewicz stated starting with residential homes, a certain amount of vehicles are permitted unless parked in a covered structure – see Section IV for exceptions.

Mike LaPointe asked about the residential homes and what this all entails.

Mr. Stachewicz stated that starting with R1, that section would be allowed X amount of vehicles with certain rules applying. Then R2 would be allowed X amount of vehicles with certain rules applying and soon.

Steve Kinnunen stated that this issue has been discussed regarding those residents with more property have room to “screen” their vehicles.

Ken Tabor agreed that there must be some flexibility to the ordinance and allow screening of vehicles.

Bill Sanders asked if the draft junk car ordinance included variances.

Mr. Stachewicz pointed out that this will be a very difficult ordinance.

Frank Thomas of 2995 M-28 East asked the Commissioners with respect to vehicles, “if you can hide it, can you have it”

Bill Sanders stated that if you go over the vehicle limit, it must be in a closed structure, i.e.: garage.

Frank Thomas asked what an appropriate screen is; trees, snow?

Mr. Stachewicz stated that the junk car ordinance is in a “draft” form at this time and the proper language is being addressed during this “draft” stage. However, the draft now states if not visible from the right of way.

Bill Sanders pointed out that there are two important issues that this ordinance will address; environmental hazards (leaking oil from a non-used vehicle, etc.) and how your property will look with the clean up.

Frank Thomas asked if an ugly private fence is an adequate screen.

Dick Arnold asked if an enclosure for a vehicle should be a permanent building, not a “super plastic” enclosure.

Estelle DeVooght pointed out that the ordinance can not dictate to a home owner what they can do with/on their property, i.e.: hobby of restoring old cars, painting tractors, etc.

Ken Tabor agreed that the ordinance needs to be adhered to but be flexible.

Bill Sanders pointed out that the draft has merits but need a threshold.

Frank Thomas asked if a vehicle is not licensed with the State of Michigan, is it determined to be “in-operable?” Mr. Stachewicz responded affirmatively stating that currently, the ordinance does not allow for vehicles that are not licensed. He states that the community survey response showed 70% of the community favors such an ordinance limiting vehicles. He stated that 2,700 survey forms were sent out with 1,500 forms returned.

Mr. Stachewicz advised that an ad had been run in the local newspaper stating that information regarding the draft junk car ordinance is available at the Chocolay Township Hall and that the meeting would be taking place inviting the public to join in the discussion.

Steve Kinnunen stated that he thought there must be discretion/variances to the ordinance allowing Mr. Yelle to monitor residents who have a hobby such as painting/restoring old vehicles, tractors, etc.

Mr. Stachewicz asked “how do you define a hobby?”

Mike LaPointe asked if there are conditional uses for a vehicle such as a snow plow?

Randy Yelle, Zoning Administrator for Chocolay Township, stated that some of the terminology used in the draft would cause problems.

Steve Kinnunen thought that fines/civil infractions would be warranted to those that do not adhere to the ordinance.

Mr. Stachewicz states that currently, the draft does not contain a section of administrative standards allowing the Zoning Administrator the discretion to monitor issues such as noise and dust.

Steve Kinnunen asked if the law enforcement agency for the township is not going to enforce this, then who will.

Tom Shaw pointed out that those residents in a R1 district with an allowance of X amount of vehicles can not be permitted to use a friend/relatives property to park excess vehicles.

Mr. Stachewicz addressed the Commissioners at this point stating that they had contributed many issues/topics to be followed up on and that more insight would be put into the draft with this information. He asked that should any member have further input, questions or concerns, to please contact him via telephone or e-mail.

B. Consideration – Schedule Ordinance Subcommittee Meetings

Estelle DeVooght and Bill Sanders are in agreement to hold the subcommittee meetings on the first Tuesday of each month at noon at the Chocolay Township Hall. There will be no agenda, just a working/organization meeting. The first meeting will take place on Tuesday, October 5, 2004 at 12:00 noon. Subject to change should Scott Emerson not be able to attend.

VII. NEW BUSINESS

A. Consideration – Letter supporting additional hours for Zoning Administrator

A request has been made that the Zoning Administrator (Randy Yelle) have his hours increased. Bill Sanders asked how many hours is Mr. Yelle working now. Mr. Yelle responded with 18 hours per week. Mr. Stachewicz advised that the requested increase is to 25 hours per week from 18 hours per week. The hours used will fluctuate during the year, i.e.: less time needed to supervise during the winter months as versus the summer months. All in all, the average hours worked during a week (yearly) would be 25 hours per week.

Mike LaPointe Motioned for an increase of working hours for the Zoning Administrator with Ken Tabor in Support. Aye 6, Nay 0. Motion approved.

B. Consideration – 2005 Planning Commission Budget Recommendation

Mr. Stachewicz advised that he has until September 30, 2004 to submit the budget. He is looking for input and/or suggestions from the Planning Commission in this respect.

Steve Kinnunen stated he supports continuing to receive the publications the Commissioners currently receive. They are informative.

Mr. Stachewicz advised the Commissioners that he is looking into a web site and do the Commissioners feel this is feasible?

Bill Sanders pointed out that with a web site in use, the zoning ordinance could be available and those seeking a variance could apply on-line. Mr. Sanders asked if other entities would be using the web site, i.e.: Zoning Board of Appeals, would they contribute to funding this web site?

Mr. Stachewicz stated this is also part of the comprehensive plan that is being worked on at this time.

C. Consideration – US-41 Corridor Plan

Mr. Stachewicz stated that he thinks it is time to put the corridor plan back in motion and that by December of 2004, the Commissioners could adopt the corridor.

Steve Kinnunen pointed out that this issue was discussed during the recent tour with the new consultant, Mark Wyckoff.

Estelle DeVooght asked if a public hearing was needed first to begin adopting the corridor plan. Mr. Stachewicz stated a plan would have to be adopted first before a public hearing.

Steve Kinnunen Moved, Ken Tabor Supported, to authorize the Director of Planning and Research to begin the process of preparing the Comprehensive Plan amendment language for the adoption of the US-42/M-28 Comprehensive Corridor & Access Management Plan in accordance with the Township Planning Act. Aye 6, Nay 0. Motion approved.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz stated he thought the meeting held recently with the consultant wherein a site visit was undertaken had a good result. There is another meeting with Mr. Wyckoff scheduled for November 4, 2004 at the Township Hall. They will be looking at scheduling a meeting to be held in January-March of 2005.

The Minoski rezoning issue was discussed – the denial was supported.

The bulletin board at the Township Hall has many postings keeping the public advised.

Mr. Stachewicz stated that an amendment is being looked at for private roads, in more particular, the Wintergreen Trail.

IX. PUBLIC COMMENT

Dick Arnold asked if any discussion has been made regarding farming lots that are now residential. Is there a set limit as to farming acreage in Chocolay Township?

Mr. Stachewicz stated this would be addressed as part of the comprehensive plan.

Public comment closed at 8:35

X. COMMISSIONER COMMENT

Steve Kinnunen talked about the insert to this agenda regarding the City of Ironwood's Noise Ordinance.

Mike LaPointe asked how long has this program been in place.

Mr. Stachewicz stated it has not been enforced for political reasons.

Steve Kinnunen seems to think that if the rule is out there (in Chocolay Township), this will give the snowmobilers something to think about.

Steve Kinnunen suggested to Bill Sanders that Mr. Stachewicz research this topic and adopt it to the township's ordinance.

Mr. Stachewicz agrees that this should be researched, however, at this point in time, the junk car ordinance should take priority.

Tom Shaw pointed out that there is a barrel in Big Creek.

Mr. Yelle stated he was aware of that and the problem is being taken care of.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board
- B. Correspondence – Marquette Township Planning Commission
- C. Correspondence – Stachewicz to Planning Commission re: City of Ironwood Noise Ordinance
- D. Publication – Planning and Zoning News
- E. Publication – Establishing Realistic Speed Limits

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 8:46 p.m.

Estelle DeVoght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay
Planning Commission
Monday, October 11, 2004
7:30PM

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

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr., Director of Planning & Research, Dennis Magadan, Director of Public Works, Greg Zyburt, Chief of Police and Mary Kratzke, Recording Secretary

I. PUBLIC HEARING

Bill Sanders stated that there would be a public hearing on Private Road #19 and asked Dennis Stachewicz to give a briefing.

Dennis Stachewicz received a request submitted by Glenn Van Neste, on behalf of Hubbard Properties, to construct and maintain a private road off Wintergreen Trail that would serve an amended lot #13 of the Chocolay Woods Site Condominium Project. He said that all lots must have frontage on a public or private road, therefore we have asked the developer to construct a private road in order to provide access to this parcel. Dennis states that there is a conflict using the same name as Wintergreen Trail for the prefix of this proposed road and there is the issue of a turnaround on this road also. Dennis recommends nine conditions that should be considered when approving this.

II. MEETING CALLED TO ORDER/ROLL CALL

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

III. APPROVAL OF THE MINUTES OF SEPTEMBER 13, 2004 MEETING

Estelle DeVooght moved to approve the minutes of the September 13, 2004 meeting; Ken Tabor seconded. Aye 6; Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders said that he would like to add Item D under New Business for a CABA presentation.

Bill Sanders moved to approve the Agenda; Mike LaPointe seconded. Aye 6, Nay 0. Motion approved.

V. PUBLIC COMMENT

Don Britton stated he was there on behalf of the Hiawatha Snowmobile Club.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Consideration – Minor Amendment to Chocolay Woods Site Condominium Project

Mike LaPointe asked why the change is needed.

Applicant Scott Hubbard stated that the lot line got too close to the houses.

Ken Tabor moved that the Planning Commission recommends approval of the minor amendment to the Chocolay Woods Site Condominium Project titled “Superceding Marquette County Condominium Subdivision Plan #12, Exhibit “B” to the Superceding Master Deed of Chocolay

Woods Condominium, Chocolay Township, Marquette County, Michigan, “dated September 27, 2004 with the condition that the developer must obtain private road approval for access to Unit #13. Bill Sanders seconded. Aye 6, Nay 0. Motion Approved.

B. Consideration – Private Road #19

Dennis Stachewicz said that the zoning ordinance does require an easement. The land could be further subdivided. There must be a turn-around for emergency vehicles.

Steve Kinnunen thinks that it makes good sense to make the road accessible through the property and stated that there’s no requirement in the ordinance to provide for future development.

Dennis Stachewicz says this is an excellent idea. With the way traffic patterns are laid out in Chocolay Township, this proposal gives people other alternatives as well as safety issues.

Bill Sanders agreed it’s more convenient for the people.

Dennis Stachewicz said that the board could approve this tonight and Scott Hubbard could meet with Staff to work out the details.

Bill Sanders moved that after review of Private Road Request #19, the standards of Section 402.D of Ordinance 34; and the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions (in this case the word “developers” means Hubbard Properties):

- 1) The developers shall provide an easement at the end of the private road that meets the Marquette County Road Commission standards for a cul-de-sac.
- 2) The developers shall select an alternate name for the private road and that name shall be reviewed by the Michigan State Police Central Dispatch and the Chocolay Township Fire Department before being approved. The approval of the road name shall be the responsibility of the Chocolay Township Director of Planning and Research.
- 3) The developers shall allow access to township vehicles as well as other public/private utility companies to provide services.
- 4) A covenant shall be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Private Road Easement which must be fully executed.
- 5) The developers pay for and install a road sign identifying the approved name of the private road at the intersection with Wintergreen Trail.
- 6) The developers shall comply with the conditions and requirements of all other agency regulations.
- 7) The developers are required to provide certification from a surveyor/engineer that the private road standards of the Zoning Ordinance have been achieved at the conclusion of construction.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The developers are strongly encouraged to obtain Marquette County Health Department review of well and septic considerations for the proposed Unit #13 prior to road construction.

Ken Tabor seconded. Aye 6, Nay 0. Motion Approved.

C. Consideration – Annual Road Rankings

Dennis Stachewicz presented a listing of individual road evaluations/rankings throughout Chocolay Township that need work. He asked that the Planning Commission members look at these roads and make a recommendation to the Township Board.

Bill Sanders commented that #3 Riverside Road should be taken in to consideration in dealing with the snowmobile trail issue. He feels it would be nice to move the trail to the north as where it presently crosses Riverside Road at Lakewood Lane. He said it would be good to get some distance between the trail and the houses. He says if the snowmobile group could come up with the money to move the trail, the township/county could take care of the road.

Dennis Stachewicz said that all property north of Riverside Road is State property. He asked about moving the intersection to the east – it would have to be a couple hundred yards as there's a pump station at that intersection. Thought maybe something could be worked out with the DNR.

Don Britton (representing the Hiawatha Snowmobile Club) said the club is presently working on Phase I in construction of the snowmobile trail. He said Phase III isn't too far down the road.

Bill Sanders asked if it's possible to rearrange the ranking on these roads.

Dennis Magadanz said that it's been done in the past depending on monies in the budget. He stated that there's a pump station at the intersection in question.

Tom Shaw feels that we need time to do research on this issue of possibly relocating the intersection of Lakewood Lane and Riverside Road. Dennis Stachewicz said the best way to address the road was to leave it in the top three and allow staff to contact the County Road Commission.

Ken Tabor moved that the Planning Commission recommend the recommendation (ranking) as presented by Dennis Stachewicz to the Board. Tom Shaw seconded. Aye 6, Nay 0. Motion Carried.

D. Consideration – CABA Proposal on Snowmobile Signs

Jim Manyen presents that CABA would like to organize the way snowmobiles come through Harvey. Their system will make it safer and more organized. They would like to designate a route using "diamond" shaped signs that snowmobilers would recognize as a route.

The route would be from the trail to Green Bay St to Wright Place to Corning over to the light; then on to the bike path to the Welcome Center where they'd meet up with the DNR trail.

He states that snowmobilers would only be going through a residential area once.

He said that the business district will raise monies for patrols but only if the township is willing to direct snowmobiles to the business area.

Don Britton says the signs are well known to snowmobilers and that the green "diamonds" indicate an ungroomed trail (trail to bike path). He says that these would keep people moving in one-way travel and deter people from going back. They would also be using decals indicating lodging, food and gas.

Greg Zyburt feels this would be a good idea as snowmobilers coming from Munising will be in need of gas and would be directed to the business area. He says this would be cutting down on traffic and people would know where they were going. He says it's not a solution but it's the best working route now. He also stated that the major concern was near Walt's.

Jim Manyen said that some control is better than no control.

Mike LaPointe asked if a conditional use permit would be required if they are designating trails and this comes under an ordinance.

Tom Shaw said that many snowmobilers are confused. They don't know where they're going. He thinks this idea will be better all the way around and that there will be a less amount of disturbance for homeowners.

Steve Kinnunen Motioned that the Chocolay Township Planning Commission suggests to the Township Board that they review the CABA plan for non-groomed business route for snowmobiles as outlined pending staff review. Mike LaPointe Seconded. Aye 6; Nay 0. Motion Carried.

Stan Hubert added that the least impact on residents is best.

Steve Kinnunen said that law enforcement personnel will now be able to do their job rather than directing people.

VIII. PLANNING DIRECTOR'S REPORT

Dennis Stachewicz said that he will have the revised draft on the car ordinance update at the next meeting.

He also said that the Comprehensive Planning Meeting will be held on November 4 at 7:00 PM.

The Ordinance Subcommittee Meetings are held on the 1st Tuesday of each month at noon at the Chocoday Township Hall.

Meetings scheduled with Mark Wyckoff are temporarily set for Jan. 6, March 3 and May 10, 2004. If anyone has a problem with these dates, please advise Dennis Stachewicz within the next week.

Dennis will be recommending spending \$750 for updated GIS parcel layers.

There is money available in the budget for Training for Planning Commission members. Contact Dennis if interested.

Dennis said Greg S. submitted a request to the County Board that Chocoday Township be included in any plans regarding the development at the old Honor Camp in Sands Township if it ties in to Silver Creek because it could have an impact on the Township.

Dennis has received an application for rezoning a 200-acre parcel from RP to R1 for development of a subdivision

IX. PUBLIC COMMENT

None.

X. COMMISSIONER COMMENT

Tom Shaw said that he appreciates CABA doing what they're trying to do.

Bill Sanders mentioned that at the last Board of Appeals Meeting the issue of a race track/ORV trail on residential property came up and a ZBA member asked if the Planning Commission should look at it.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board – September 20, 2004
- B. Minutes – Zoning Board of Appeals – August 26, 2004 & September 23, 2004
- C. Publication – Planning and Zoning News
- D. Publication – “What is a Taking?”

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:29PM.

Estelle DeVooght, Commission Secretary

Mary Kratzke, Recording Secretary

Charter Township of Chocolay
Planning Commission
Monday, November 1, 2004
7:30PM

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

Absent: None

Staff: Dennis M. Stachewicz, Jr., Director of Planning & Research and Dennis Magadanz, Director of Public Works

I. PUBLIC HEARING

Mike LaPointe stated that there would be a public hearing on Conditional Use #70 and asked Dennis Stachewicz to give a briefing. Bill Sanders arrived.

Dennis Stachewicz said that CABA has pulled their request for a Conditional Use Permit because of the correspondence from the Marquette County Road Commission that indicated CABA would not be able to place signs in the requested road right of ways.

II. MEETING CALLED TO ORDER/ROLL CALL

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

III. APPROVAL OF THE MINUTES OF OCTOBER 11, 2004 MEETING

Ken Tabor moved to approve the minutes of the October 11, 2004 meeting; Tom Shaw seconded. Aye 7; Nay 0. Motion Carried.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to approve the Agenda; Steve Kinnunen seconded. Aye 7; Nay 0. Motion Carried.

V. PUBLIC COMMENT

Elwin Leach of 425 Green Bay Street asked if there will still be snowmobiles on Green Bay Street even though the request has been cancelled. Dennis Stachewicz said that snowmobiles are allowed on County road right of ways.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. Consideration – Conditional Use #70 – CABA Traffic Control Signs

Bill Sanders said that the Planning Commission should still use this time as a planning session even though the request was cancelled. Scott Emerson spoke about the CABA proposal and said it was not a good idea because of the residential density in the area. He said the traditional route was along M-28 and less people would be affected there. Scott Emerson said the previous proposal presented to the DNR was for M-28 and he believes CABA should be directed to pursue that route again. He said the problem lies between Walt's and the Visitor Center and that the couple of house there could eventually be rezoned at some point in the future.

Scott Emerson said there are technical difficulties with the proposed route including the narrowness of the bridge on Green Bay Street. He said that people on M-28 bought their houses with the understanding that snowmobiles could travel in front of their houses. He said it is unfair to people

who bought homes not expecting snowmobile traffic to suffer. He also said he is surprised that the Police Chief is buying into this proposal. Scott Emerson said he believes that CABA should understand that people living here support the businesses also. He asked the Planning Commission to consider directing CABA to pursue an alternate route along M-28.

Bill Sanders asked Dennis Stachewicz what he thought about the proposal being offered by Scott Emerson. Dennis Stachewicz spoke about the history of the current trail proposal and the steps being taken by the Township Supervisor to work towards a true business route. He recommended that the Planning Commission consider that any recommendation to CABA be as an “option” rather than cornering them with only one proposal. Scott Emerson said he agreed.

Steve Kinnunen said the M-28 proposal has been looked at before and he believes it is time to move forward with pursuing the bridge across the Chocolay River. He recommended sending a letter to CABA as previously discussed. Bill Sanders asked if it would be appropriate for the Planning Commission to ask Dennis Stachewicz to write a letter to CABA and the Planning Commission concurred.

Scott Emerson asked the Planning Commission if they should also approach the Marquette County Road Commission and ask them to place a curfew on Green Bay Street and thus place a curfew on the snowmobile trail. He referenced a conversation with Dennis Stachewicz regarding how Ironwood handles their snowmobile trail. Bill Sanders said he was concerned that a curfew would cut-off snowmobilers or send them to M-28. Tom Shaw said he felt it was inappropriate to send all snowmobile traffic to M-28. Scott Emerson said he believes a curfew should protect the highest density residential areas.

Bill Sanders said he agrees but feels it would be better to let the Township Supervisor and Staff continue to work with other groups and agencies before moving forward and possibly derailing any of their efforts. The Planning Commission agreed and asked Dennis Stachewicz to continue keeping them informed of the situation.

B. Consideration – Marquette County Housing Plan

Dennis Stachewicz said the Planning Commission has been asked to review the County Housing Plan. He said this was being done in accordance with the new Coordinated Planning Act. He asked Commissioners if they had any comments.

Steve Kinnunen said it was very interesting to notice how the demographics show that people are moving all around the County. He also said it was interesting to see how K.I. Sawyer was growing. Dennis Stachewicz noted the comments regarding construction codes and local zoning. He said the current situation at the County level could have a major impact on the Townships also.

Ken Tabor moved to concur with the draft Marquette County Housing Plan and allow the Director of Planning and Research to prepare correspondence to the Marquette County Planning Commission that reflects the discussion regarding the Marquette County Housing Plan held by the Chocolay Township Planning Commission at their November 1, 2004 meeting. Scott Emerson seconded. Aye 7; Nay 0. Motion Carried.

C. Consideration – Marquette County Forestry Plan

Dennis Stachewicz said the Planning Commission has also been asked to review the County Forestry Plan. Mike LaPointe said he knows that several local foresters have reviewed and concurred with this plan.

Scott Emerson moved to concur with the draft Marquette County Forestry Plan as presented. Bill Sanders seconded. Aye 7; Nay 0. Motion Carried.

VIII. PLANNING DIRECTOR’S REPORT

Dennis Stachewicz reminded the Planning Commission that there is a meeting with Mark Wyckoff on Thursday November 4th at 7:00 PM. He asked if all Planning Commissioners had received their packets from Mr. Wyckoff. All Planning Commissioners had received their packets.

He also said that he has been working with the intern and she has finished making the changes to the draft Junk Car Ordinance. He said they were planning on bringing it to this meeting but he had to leave town due to a death in the family. He said the draft will be given to the Planning Commission for the next meeting.

Dennis Stachewicz said the proposed Township Budget for fiscal year 2005 is available for public viewing at the Township Offices.

He handed out a letter from the Township Supervisor and said that he will be filling in for Randy Yelle until January 1, 2005.

Dennis Stachewicz informed the Planning Commission that they will hear an appeal of a Land Division Application at their next meeting. Bill Sanders asked what the procedure for the appeal was. Dennis Stachewicz said there is no formal procedure for the appeal, however he believes that the review of the appeal is purely technical with regards to the Assessor following the Land Division Ordinance and the Land Division Act.

IX. PUBLIC COMMENT

None.

X. COMMISSIONER COMMENT

None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette Township Planning Commission Minutes – 8/25/04 to 9/29/04
- B. Publication – Planning and Zoning News

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:30 PM.

Estelle DeVooght, Commission Secretary

Dennis Stachewicz, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, December 6, 2004
7:30 P.M.

Present: Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson and Ken Tabor (arrived late)

Absent: Estelle DeVooght and Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Research), Lori DeShambo (Recording Secretary), Tina Fuller (Township Assessor) and Denny Magadanz (DPW Supervisor).

I. PUBLIC HEARINGS

A. Rezoning #130 – A request by Paul Smith to rezone 199.7 acres in Sec. 14, T47N-R24W, from RP to RR-2.

Public comments regarding rezoning request #130 included the following:

Kathy Peterson, 6341 U.S. 41 South, Marquette stated that this request has a right of way issue involved.

Paul Smith who requested the rezoning is not in attendance; however, Larry and Frances Wilson of 600 Cherry Creek Road attended *not representing Paul Smith* but for informational purposes.

Susan Ballreid, 447 Mangum Road, Marquette stated that her property abuts the proposed rezoned property and she had questions regarding roadways and the involvement of subdivisions to this property.

Bill Sanders advised that these issues would be addressed according to the forum.

II. MEETING CALLED TO ORDER/ROLL CALL

Bill Sanders called the meeting to order at 7:36 p.m.

III. APPROVAL OF THE MINUTES OF NOVEMBER 1, 2004 MEETING

Steve Kinnunen moved to approve the minutes of the November 1, 2004 meeting, Mike LaPointe Seconded. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved to Approve the Agenda, Steve Kinnunen supported. Aye 4, Nay 0. Motion Approved.

V. PUBLIC COMMENT

Kathy Peterson, 6341 U.S. 41 South, Marquette stated there is a rail road grade issue regarding Paul Smith's rezoning request; coupled with her earlier remark regarding a right of way problem.

Mark Maki of 370 Karen Road requested that his appeal be tabled until all Planning Commission Board Members were in attendance.

Ken Tabor arrived.

End Public Comment at 7:40 p.m.

VI. OLD BUSINESS – None.

VII. NEW BUSINESS

A. Consideration – Rezoning #130

Bill Sanders turned the meeting over to Dennis Stachewicz at this point for his comments.

Mr. Stachewicz reiterated from his December 1, 2004 memo which advised that Rezoning #130 is a request from Paul Smith for the rezoning of an approximately 199.7 acre size parcel from RP (Resource Production to RR-2 (Rural Residential Number Two). This property is located south of the Chocolay Downs Golf Course and is bisected by the Chocolay River.

The property is located in a 100 year flood plain and contains soils that are not very suitable for residential development. A check with the Marquette County Health Department and MDEQ was discussed. Also, there is an access issue with this parcel that would require property purchase or an easement to develop a private road.

Paul Smith is current in Texas and will be not in attendance for the PC meeting. Bill Sanders was concerned that Mr. Smith was not given the information/memo and maps detailing the suggested outcome of his rezoning request. Mr. Stachewicz advised that he had called Mr. Smith's cellular phone and left a message; however, he had not heard back from him.

Discussion was had between the PC Board Members, Mr. Stachewicz and Larry Wilson who would be in contact with Mr. Smith. It was emphasized to Mr. Wilson that it was important that Mr. Smith receive the information that the Director of Planning and Research had compiled. Bill Sanders asked that Larry Wilson please be sure to give Mr. Paul Smith the staff review notes.

Mike LaPointe Moved, Bill Sanders Seconded that following the review of Rezoning request #130, and the Staff/File Review, the Planning Commission recommends DENIAL of Rezoning #130 to the Township Board to rezone parcels 52-02-114-001-00 and 52-02-114-003-00 from RP to RR-2 due to:

1. The Comprehensive Plan recommends that major flood areas remain zoned for Open Space or Resource Production;
2. The rezoning would allow a higher density of development in a flood area which is discouraged in the Comprehensive Plan;
3. The rezoning would allow a higher density of development in an "Area of Particular Concern" which is discouraged in the Comprehensive Plan;
4. The property can be reasonably utilized under the current zoning designation.

Aye 5, Nay 0. Motion Approved.

B. Consideration – Land Division Act Appeal #04-01

Bill Sanders asked Mr. Stachewicz if there is a protocol to follow regarding Mr. Maki's earlier request to table Land Division Act Appeal #04-01. Mr. Stachewicz outlined Mr. Maki's request to appeal the decision of the Township Assessor to approve a land division for Parcel 52-02-007-049099, specifically appealing the lot "depth to width ratio" and verification of well and septic approval.

Mr. Stachewicz referred to his November 30, 2004 memo regarding Ordinance #52 and the State Land Division Act which provide guidelines for the division of land in Chocolay Township and the State of Michigan respectively. Specifically, Ordinance #52 provides for "any aggrieved person" to file an appeal with the Chocolay Township Planning Commission, however, no protocol for such an appeal exists.

The Township Assessor had provided a detailed response to Mr. Maki.

Given that no protocol for an appeal exists, it is the belief of Mr. Stachewicz that the Planning Commission should make a decision whether or not the Township Assessor's decision correctly followed the State Land Division Act and Ordinance #52 with respect to the appeal written by Mr. Maki.

Tina Fuller, Township Assessor, is in attendance at this meeting to answer questions and address the issues raised by Mr. Maki.

Bill Sanders asked Mr. Maki if he wanted to address the Board. He responded again that he wished the appeal to be tabled until a full board was present. Mr. Sanders asked the Planning Commission Board how they felt about this. Mr. Stachewicz asked that the appeal proceed as the assessor is in attendance and may not be available at the next PC meeting.

Mr. Sanders acknowledged that Mr. Maki would prefer to table the appeal, however, the Planning Commission has decided to proceed with the appeal during this meeting. The PC members felt there were enough members in attendance to make a decision. Mr. Maki was asked to give his presentation.

Mr. Maki stated that this was the first time in 29 years that a Board would not allow an individual to table a decision.

Bill Sanders pointed out that there were enough members present who volunteer their time to participate in the meetings and that there were no guarantees that all members would be present at the next scheduled PC meeting.

Kathy Peterson remarked that it shouldn't matter when the issue was heard as the members get paid to be at the meetings.

Mr. Maki asked if the Planning Commission made a decision and the vote was, for instance, 3 to 2, could he come back to the Planning Commission when all board members were in attendance and have this appeal reheard?

Mr. Sanders pointed out that five board members in attendance is a sufficient amount of members to make a decision. Scott Emerson advised Mr. Maki that the PC is not being discriminatory. After further discussion, it was decided that the appeal would be heard.

Mr. Maki provided information to the PC members and discussed the Land Division Act and the Township Zoning Ordinance Law with respect to lot width and depth.

Following Mr. Maki's presentation to the PC members, Mr. Sanders asked if Tina Fuller had any comments, remarks or questions regarding Mr. Maki's presentation. She stated that she had already given Mr. Maki her response to his appeal and she reiterated paragraph two from her 10/29/04 letter.

Mr. Maki is stating that the Township is proposing to sell a parcel of land that fails to comply with the depth to width ratio which is contained in the State Land Division Act and the Township Land Division Ordinance.

Much discussion was had between the PC members, Mr. Maki, Mr. Stachewicz and Ms. Fuller regarding this issue.

Steve Kinnunen suggested that this matter be referred to the Township attorney for his review as the PC members are not comfortable with making a decision at this time as both parties are stating what they believe to be valid issues.

Mr. Stachewicz stated he was concerned with "what if" the Township is selling a lot that fails to comply with the depth to width ration which is contained in the State Land Division Act and the Township Land Division Ordinance.

Steve Kinnunen again pointed out that this was his basis as to why he felt legal counsel should be consulted for a determination.

Steve Kinnunen Motioned, Scott Emerson Seconded that the Planning Commission submit this appeal language to the Township attorney for review and obtain a report so the Planning Commission would be more informed to make a decision.

Bill Sanders noted that language needed to be added to this Motion regarding the actual appeal, therefore, Steve Kinnunen Motioned, Ken Tabor Seconded that Land Division Act Appeal #04-01 is to be tabled at this time.

Aye 5, Nay 0. Motion Approved.

C. Consideration – Joint Meeting with Township Board

The Planning Commission consultant has requested that both the Planning Commission and Township Board attend a meeting on January 6, 2005 to seek consensus and input on the preferred future land use alternative and key recommendations and strategies. In the past, it has been proper protocol for the Planning Commission to invite the Township Board to attend.

Mike LaPointe Moved, Bill Sanders Second, to invite the Township Board to attend a joint meeting with the Planning Commission to be held on January 6, 2005 at 7:00 p.m. at the Township Hall, facilitated by Planning and Zoning Center, Inc., to discuss future land use alternatives and key recommendations and strategies.

Aye 5. Nay 0. Motion Approved.

D. Consideration – Onota Township Policy Plan Comments

The Planning Commission has been provided an opportunity to comment on the Onota Township Policy Plan and copies of the plan were mailed out to Planning Commissioners in November of 2004.

Steve Kinnunen remarked on how Onota Township should focus more attention on recycling. He remarked that they are having difficulties with the garbage/refuse drop off site. Onota Township is also dealing with private road issues. He also commented on the amount of discussion had regarding land preservation. The population of the Township is growing.

Kathy Peterson questioned why the Planning Commission was discussing Onota Township and she was advised that Chocolay Township is required to under the Coordinated Planning Act which is a state law in conjunction with a comprehensive plan. Onota Township has asked Chocolay Township to review their policy plan.

Steve Kinnunen Moved, Ken Tabor Second, to allow the Chocolay Township Director of Planning and Research to prepare correspondence to the Onota Township Planning Commission that reflects the discussion held by the Chocolay Township Planning Commission regarding the Onota Township Policy Plan during their December 6, 2004 meeting.

Aye 5, Nay 0. Motion Approved.

E. Consideration – US 41 Corridor Project Rankings

MDOT has asked that the Planning Commission rank the recommended improvements outlined in the US-41/M-28 US 41 Corridor Project Rankings. The ranking will be used to assist MDOT in applying for project funding and for the development of their future plans.

There were 17 issues identified within Chocolay Township. Chocolay Township currently has two intersections within the top ten crash locations in the corridor study area, Silver Creek Road and Cherry Creek Road. Several access management recommendations were presented.

Bill Sanders pointed out to the members that they could re-rank or concur with staff ranking regarding the recommendations that were listed and provided to the Planning Commission members. He then went on to read the first four recommendations for a change.

Kathy Peterson remarked that the four recommendations listed all sound pretty expensive and she wanted to know who was going to pay for this?

John Trudeau of 216 Cedar Lane, Marquette remarked to the members regarding the intersection of U.S. 41 and M-28 and what a hazard it is to drive here during the morning hours. This prompted detailed discussion regarding possible changes and how this issue could be addressed to MDOT prior to approving the US 41 Corridor Project Rankings, thus covering one of the most expensive avenues to be corrected within Chocolay Township at this time.

Mr. Stachewicz volunteered to bring this issue up at the next meeting.

No motion was required; concurred with staff ranking.

F. Work Session – Review of Comprehensive Plan Draft Chapters 1-6

Review of Comprehensive Plan Draft Chapters 1-6. The Planning Commission reviewed draft chapters one through six and took comment from the staff and citizens present. A few minor changes were recommended and Mr. Stachewicz will forward the same to Mr. Wyckoff.

VIII. PLANNING DIRECTOR’S REPORT

There are Northern Michigan University students involved in a planning project regarding Chocoday Township. Mr. Stachewicz has assisted the students with submitting a proposal to present the project at the 2005 American Planning Association Annual Conference this spring.

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT – None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information – Township 2005 Meeting Dates
- B. Information – Township Board Minutes – 11/08/04
- C. Information – Marquette Township Planning Commission Minutes 08/25/04 to 10/27/04
- D. Correspondence – Stachewicz to CABA
- E. Publication – Planning and Zoning News

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 10:15 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary