

**Charter Township of Chocolay
Planning Commission**

January 09, 2006
7:30 P.M.

Present: Estelle DeVooght, Bill Sanders, Mike LaPointe. Tom Shaw, Steve Kinnunen, Ken Tabor and Scott Emerson (arrived late).

Absent: None

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development), Lori DeShambo (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m. (Scott Emerson arrived during VI).

II. APPROVAL OF THE MINUTES OF THE December 5, 2005 MEETING

Ken Tabor Motioned, Estelle DeVooght Seconded to approve the minutes. Aye 6, Nay 0. Minutes approved.

Bill Sanders asked that minor revisions be added to VI. New Business A. Discussion of proposed PUD – Dr. English Property. Mr. Stachewicz remarked that he would see that these minor changes were made.

III. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen Motioned, Ken Tabor Seconded to approve the agenda. Aye 6, Nay 0. Agenda approved.

IV. PUBLIC COMMENT – None

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. Discussion – RFP for Consulting Services – Zoning Ordinance Update

Bill Sanders asked Dennis Stachewicz if he had anything to add to what has already been provided to the Planning Commissioners. He responded that he had highlighted in the Commissioner’s packets what he felt needed to be addressed first. There is a budget set in place of \$14,000.00.

Mr. Stachewicz asked for input from the Commissioners and Steve Kinnunen asked what the time frame was for completion. Mr. Stachewicz stated one year or less. It was said by other Commissioners that with a \$14,000.00 budget, this shouldn’t take long.

Bill Sanders asked if on the project work task page, on page 4, change the word to deliverables rather than products; the same for page 7.

Mr. Stachewicz pointed out that we are just looking or an update and not a new product. He suggested that a joint meeting be held with the Chocolay Township Board so they know what the Planning Commission is doing.

There was discussion between Mr. Stachewicz and the Planning Commissioners as to when this meeting should be scheduled, who should attend. Many dates were tossed around. The Board meets on January 19, 2006 and Mr. Stachewicz will be adding the PC comments to their agenda. Only 1-2 commissioners need to be in attendance at this meeting. Mr. Stachewicz will do a formal letter to the Board.

B. Discussion – US-41/M-28 Corridor Grant Application

Bill Sanders stated that he had signed a letter regarding the grant and advised Mr. Stachewicz that this may require a special public meeting for discussion. The community should be involved as there are going to be many changes being proposed. An informational flyer could be sent to all corridor businesses advising of the meeting so they may attend.

Mr. Stachewicz stated that MDOT has verbally agreed to help pay for the corridor renovation.

Tom Shaw remarked that the Chocolay Area Business Association newspaper will be out in two weeks – this public meeting could be posted in the newspaper as well.

It was decided that the public meeting would take place on March 9th, 2006 at 7:00 p.m. at the Chocolay Township Hall.

VII. PLANNING DIRECTOR’S REPORT – None.

VIII. PUBLIC COMMENT – None.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

Estelle DeVooght asked about the Michigan Planner publication she had and questioned the takings issue.

Mr. Stachewicz asked to go back to VII – Director’s report as there has been discussion regarding the Magnum Farm (Department of Corrections/State of Michigan) and the possibility of Marquette County housing work release prisoners there. The Zoning Administrator, Randy Yelle, is looking into this issue.

Steve Kinnunen stated there is nothing in the new Comprehensive Plan that addresses the agricultural farm on Magnum Road owned by the Department of Corrections.

Mike LaPointe informed the Planning Commission that he gave Greg Seppanen a letter of resignation. Mr. LaPointe has far too many commitments at this time and is traveling extensively and, therefore, made the decision to leave the Commission. He has served on the Commission for the past 14 years and this will be his last meeting.

The Planning Commissioners thanked him for his time and expertise and he was told he would be missed.

The Faith Assembly of God Church (Prince of Peace) located on M-28 is now empty as the Church purchased the old Silver Creek School. The restaurant Memories has shown an interest in the building for the use as a banquet hall and has applied for a rezoning to PUD. This rezoning request will be discussed at the next Planning Commission meeting.

The sale of property to the Naterra Land Company was discussed and there was additional discussion about how a large property sale like that can alter a landscape if there is no long range planning at a local level.

Scott Emerson asked Mr. Stachewicz if there was anything to add/update regarding the casino move from Kawbawgam Road to the former airport in Negaunee. Discussion was had as to what the old casino building could be used for.

Mr. Stachewicz informed the Planning Commissioners that Mr. Albert Denton has presented a request in writing to replace Mike LaPointe on the PC Board. He currently is on the Zoning Board of Appeals. This letter will go to the Supervisor for approval. As far as the present Planning Commissioners, they would welcome Mr. Denton to the Board.

X. ADJOURMENT

Bill Sanders adjourned the meeting at 8:33 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocolay
Planning Commission**

Monday, February 13, 2006
7:30 P.M.

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

Absent: Scott Emerson

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development),
Ginger Maki (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:30 p.m.

II. PUBLIC HEARINGS/COMMENT

A. Rezoning #132 – Faith Assembly – R-1 to P.U.D. – Bill Sanders noted this agenda item had been temporarily withdrawn by the applicant.

Bill Sanders invited the public to give comments on the two agenda items that are going to be discussed by the Board this evening. The public was asked to give their name and address and limit comments to three minutes. After public comment, each of the above items will be discussed under New Business and decision will be made at that time.

B. Rezoning #133 – JSN Properties – C-2/R-1 to R-3

Dennis Stachewicz gave background on the Rezoning #133 – JSN Properties. This is a request for rezoning of 1.56 acres of land on the corner of US 41 and W. Main Street from a combination of R-1/C-2 (Residential/Commercial) to R-3 (Residential). JSN Properties would like to build detached single-family dwellings on this property.

Dan Diloreto, 301 W. Main, Marquette, MI, questioned what would be allowed under the R-3 zoning. Dennis noted it would be zoned for multi-family dwellings.

Mark Maki, 370 Karen Road, Marquette, MI, asked for clarification on whether or not R-3 zoning allowed clinic. Dennis Stachewicz read the R-3 zoning clarification usage. He also noted that clinics would be allowed on the approval of the Planning Commission.

Dan Keller, 117 Plateau, Negaunee, MI, introduced himself at the representative of the buyers of the parcel of land in question and gave an overview of what the buyers would like to build on the property. They would like to build 12-14 condominiums units with privacy fences.

There was no other comment on the Rezoning #133 and public comment was closed.

C. C.U.P. #74 – Hiawatha Trails – Snowmobile Trail

Dennis Stachewicz gave background on the C.U.P. #74 – Hiawatha Trails – Snowmobile Trail. This is a request a conditional use permit to construct/open a snowmobile trail in an R-1 zoning district located at 225 W. Main and 204 Hotel Place in Chocolay Township.

Cheryl Moore, 111 Green Bay, Marquette, MI, read a letter on behalf of Mr. and Mrs. Perkins noting their concern about the trail and that they oppose the opening of the trail due to the traffic through the parking lot at Hotel Place.

Steve, 203 Hotel Place, Marquette, MI, expressed his concerns about the application for the trail by Mr. Diloreto. He also noted he opposes the trail. He gave the Board eight letters from other residents from Hotel Place who oppose the trail. (See attached).

Lee Blondeau, 30 N. Tracie Lane, Marquette, MI, noted he was in favor of the trail opening for better access to the Harvey area.

Dave Thomas, 311 W. Main, Marquette, MI, noted he was in favor of the trail opening for better access to the business district in Chocolay Township.

Joe Holman, 210 Riverside Drive, Marquette, MI, commended the Board for their looking at new ways to open up Chocolay Township business to the snowmobilers. He has talked with representatives in Lansing who are working to put in a business route for the snowmobilers and feels that if this trail were opened it would undermine Lansing's efforts. He is not in favor of opening this trail through a residential area.

Don Britton, 121 Deerview Trail, Marquette, MI, noted that the reason for the request for this trail is to create better access to the businesses in Chocolay Township.

Dan Diloreto, 301 W. Main, Marquette, MI, clarified the construction of the trail. This is a path that is already on his property and no construction is necessary. He would just be opening it up for snowmobilers to gain better access to the businesses in Chocolay Township. No construction or grooming would be involved with the opening of the trail.

Jerry Ojibway, 161 Lakewood Lane, Marquette, MI, noted he was concerned about the eagle's nest that is on this property and felt the nest would be disturbed by the snowmobiles. He opposes the opening of the trail.

Alma Thomas, 311 W. Main, Marquette, MI, noted that eagles do not use their nests in the winter and the snowmobile season would affect the eagles in the area. She feels there is too much confusion for the snowmobilers right now trying to gain access to the business area of Chocolay Township and would like to see the trail open.

Erma, 210 Riverside Road, Marquette, MI, requested that the Planning Commission deny the request to open the trail.

Tony Lambert, 271 Riverside Road, Marquette, MI, feels the trail on Green Bay is hazardous and would like to see an alternate route outside the residential area.

Tristen McGill, 312 Michigan, Marquette, MI, commented that snowmobiles impact the ecosystem and the discussion regarding the trails has becoming too emotional.

Cheryl Moore, 111 Green Bay, Marquette, MI, commented that the snowmobile issues in regard to trail are not exaggerated and feels the trail near her residence is very hazardous. She also feels that when the snowmobilers use Green Bay Street they become more cautious because they are on a road.

Dan Diloreto, 301 W. Main, Marquette, MI, clarified that he did not request this trail. Hiawatha Trails approached him to open up this path and he agreed because he thought it was a good idea. He also clarified that the eagles nest around the 2nd week of April and by that time there is no longer any snowmobiling. The problems for the eagles are not the snowmobilers but the people that walk through his property and disturb the nest.

Joe Holman, 210 Riverside Drive, Marquette, MI, noted he researched some previous Planning Commission minutes from 7/10/2000 where the conditional use #74 – North Country Trails was approved as a non-motorized. He noted the State took that approval away and made the trail motorized. He feels the Planning Commission should be consistent with the Township purpose.

Bill Sanders read the letters present by Steve from the residents of Hotel Place and Bayou Street. All letters opposed the opening of the trail.
(See attached).

Dennis Stachewicz read a phone-in comment from Linda Walker, 103 Lakewood Lane, Marquette, MI. She is in favor of the opening of the snowmobile trail.

There was no other public comment on C.U.P. #74 and public comment was closed.

III. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2006 MEETING

Estelle DeVooght motioned, Albert Denton seconded, to approve the minutes. Aye 6, Nay 0. The motion carried.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Item A under New Business was taken out of the agenda.

Bill Sanders motioned, Steve Kinnunen seconded, to approve the agenda as revised. Aye 6, Nay 0. The motion carried.

V. PUBLIC COMMENT

Bill Sanders asked for any public comment and keep the comments to a maximum of 3 minutes.

Joe Holman, 210 Riverside, Marquette, MI, addressed a request from one of his neighbors regarding the loud noise of the snowmobiles. Due to the noise of the snowmobiles she often sleeps in the basement. He also noted that a number of people on the trail are also having trouble with asthma due to the snowmobiles. He urged the township not to change their position on a non-motorized trail.

There was not other public comment and public comment was closed.

VI. OLD BUSINESS

There was no old business for discussion.

VII. NEW BUSINESS

A. Rezoning #133 – JSN Properties

The Planning Commission reviewed the overhead presented by Dennis Stachewicz. Dennis then read the staff comments concerning the rezoning. (See page 20, VII B). The rezoning is consistent with the intent of the Comprehensive Plan; the rezoning will allow the parcels involved to act as a transition area that will prevent encroachment of a commercial zoning district into an established residential area; It is likely the rezoning will allow for more flexibility to access management in order to preserve the integrity of US-41/M-28; the current zoning or the parcels if preventing the property owner from reasonable use of the parcels due to the split zoning and small parcel size; and there is existing sewer service available for the development.

Steve Kinnunen Moved Ken Tabor Second, that following the review of Rezoning Request #133, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #133 for the following reasons:

1. The rezoning is consistent with the intent of the Comprehensive Plan;
2. The rezoning will allow the parcels involved to act as a transition area that will prevent encroachment of a commercial zoning district into an established residential area;
3. It is likely the rezoning will allow for more flexibility in access management in order to preserve the integrity of US-41/M-28;

4. The current zoning or the parcels is preventing the property owner from reasonable use of the parcels due to split zoning and small parcel size; and
5. There is existing sewer service available for the development

Aye 5, Nay 1. The motion carried

B. C.U.P. #74 – Hiawatha Trails – Snowmobile Trail

Bill Sanders asked Don Britton if he would like to comment on the request. Don Britton had no comments.

Dennis Stachewicz answered the four questions that were asked during public comment:

1. The Perkins letter asked for the exact location and Dennis reviewed on the map where the trail would be located.
2. There was a question about this area being considered by the MDEQ as wetland. Dennis noted that he was not aware of this issue and that could be consideration of approval.
3. There was a question as to whether or not the application for the C.U.P. was incomplete. Dennis noted that any questions that were answered with “NA” (not applicable) are concerned not necessary.
4. There was a question as to whether or not there was an error in the address on the notification sent out by the township to Hotel Place. The address on record is 204 Hotel Place and that is where the notification was sent.

Dennis Stachewicz strongly encouraged the Planning Commission review the General Standards under the Basis of Determination for a conditional use permit. All standards must be met in order to grant a conditional use permit.

After review of the General Standards, the Planning Commission felt they could not approve the snowmobile trail at this time because it does not comply with all of the standards.

Albert Denton Moved, Ken Tabor Second, that after review of Conditional Use request #74, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 202, 217 and 701 of the Zoning Ordinance, and holding a public hearing, the Planning Commission denies Conditional Use request #74 for the following reason:

1. The proposed trail does not substantially comply with all of the General Standards outlined in Section 701 of the Zoning Ordinance.

Aye 6, Nay 0. The motion carried.

VIII. PLANNING DIRECTOR’S REPORT

The MDOT Corridor Agreement meeting has to be changed from March 9th to March 16th at 7:00 p.m. because Andy Sicamma cannot make the earlier meeting. Mailings will be sent out to all residents along the corridor. This meeting is with MDOT to discuss the grant for the corridor through Chocolay Township. Bill Sanders noted that public support will be needed for this project.

RFP schedule was sent out on February 1, 2006. People were given until Thursday, March 2nd to respond to the proposal. Start up is set for May 1, 2006. The zoning review committee will need to review the definitions, etc.

Regarding the prison property reuse issue, Randy Yelle talked with Mr. Kippola for more information and Randy was told they are no longer pursuing this at this time.

Regarding Dr. English’s rezoning request, there were some errors in the legal and hopefully this request can come before the Planning Commission in March.

Frank Ward has requested a private road on a parcel of property the he has attempted to have rezoned to R-3 a few years ago. This issue will be on the March Planning Commission agenda.

Bill Sanders questioned whether or not rezoning #132 will be coming back before the Board. Dennis noted that the pastor felt it was unlikely it would be presented to the Planning Commission.

IX. PUBLIC COMMENT

Adam Westhouse, a reporter from the Mining Journal, introduced himself and noted that he would be taking notes at various Chocoday Township public meetings.

Joe Holman, 210 Riverside, Marquette, MI, questioned whether he should submit his conversations with the Casperson and Adamini from Lansing regarding the bike path and the grant for the corridor construction to the Planning Commission. Dennis Stachewicz noted these items should be sent to the Township Supervisor and Board for review.

There was no other public comment and public comment was closed.

X. COMMISSIONER COMMENT

Bill Sanders commented on the sub-area plan for the snowmobile trail and asked Dennis if there was any grant money for this type of plan. Dennis commented that this was discussed with the DNR, but because there is already a trail being used there is no interest in looking at an alternate plan. Bill Sanders noted that if the State would be willing to give the township grant monies for a sub-area plan, the township could possibly do this without the DNR's help.

Bill Sanders commented that maybe an information sign could be posted regarding the eagle's nest during the summer months.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information – Excerpt from *The Township Guide to Planning and Zoning* re: considering rezoning requests.**
- B. Information – *Taking of Property by Eminent Domain***
- C. Information – M.A.P. Training Brochure**
- D. Information – City of Marquette Planning Commission Minutes – 12/20/205 and 1/3/06**
- E. Information – *Planning and Zoning News***

XII. ADJOURNMENT

Bill Sanders adjourned the meeting at 9:42 p.m.

Respectfully submitted:

Estelle DeVooght, Commission Secretary

Ginger Maki, Recording

Charter Township of Chocolay Special Planning Commission Meeting

March 16, 2006

7:00 P.M.

Present: Estelle DeVooght, Bill Sanders, Steve Kinnunen, Ken Tabor, Albert Denton.

Absent: Scott Emerson, Tom Shaw

Staff: Dennis M. Stachewicz, Jr. (Director of Planning and Community Development), Tom Murray (Community Development Coordinantor), Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER/ROLL CALL

Meeting called to order by Bill Sanders at 7:00.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen motioned, Estelle DeVoogt seconded to approve the agenda. Aye 5, Nay 0.
Motion Carried.

III. PUBLIC COMMENT – None

IV. NEW BUSINESS

A. Presentation- U.S. 41 Corridor Enhancement Project

Dennis Stachewicz reviewed US-41 Corridor Grant Project. He stated that this is a probably a once in a lifetime chance to do a project of this size and it they could coordinate it with the resurfacing work that MDOT has planned for 2009. He said that piggybacking this project with MDOT's work would help keep engineering costs down.

Mr. Stachewicz said that there would most likely be 3 phases of the grant.

1. Extension of the current bike path that would increase walkability
2. Landscaping to improve aesthetics
3. Removal of the current pedestrian overpass and possibly constructing a pedestrian tunnel like the one in Houghton / Hancock

Mr. Stachewicz stated that this work would be directly related to economic development in Chocolay Township in that it would make people want to work and live here. He said that the grant should be submitted by this summer to get the ball rolling.

Mr. Stachewicz and Andy Sikkema discussed the proposed tree plantings along the corridor. He reiterated that the tree plantings shown are not exact, but a good idea of what they would like to see happen. Mr. Sikkema said that this would be done to bring nature and a rural feeling back to the corridor. Mr. Stachewicz said that they would like to create a canopy effect with the trees and that the trees would look welcoming from those traveling from Marquette and that it would also have a traffic calming effect.

Mr. Stachewicz explained that currently there is a bike path along both sides of US- 41, but that there isn't a crosswalk of any sort for pedestrians at M-28, which is something they would want to look into. He said that they would want to pick up the bike path at Silver Creek Road and continue it to at least the Family Dollar. He noted that there is a dirt path there already created by so many people taking that route on their own, so this extension would make the most sense to pursue.

Mr. Stachewicz then explained that the bike path would lead to the U.S. - 41 / Fairbanks Street intersection where the proposed pedestrian tunnel would be constructed. Mr. Stachewicz said that in his professional opinion there is no real use for the current pedestrian bridge that it just isn't used, and it doesn't meet handicap accessible requirements.

Tom Murray said he did some research that leads him to believe that a pedestrian tunnel would be of great help for pedestrians, especially children riding their bikes into Marquette in the summer months, to get to places like the public library. He said that there are 1400-1500 library cards held by Chocolay Twp. residents. Mr. Stachewicz also said that this bike path and pedestrian tunnel would encourage residents to be healthier and get more exercise. Bill Sanders agreed with this thought, saying that they just received the Rec Survey and this is a big part of what people are looking for.

Tom Ruprecht 2333 US – 41 South, asked about what kind of trees would be planted along the corridor. Mr. Stachewicz said that the canopy would be made up of a variety of trees to create a calming, natural effect.

Don Britton, 121 Deerview Trail, said he would like to see lighting along the corridor. Mr. Sikkema explained the difference between illuminate highway lighting and shoebox pedestrian style lighting. Mr. Stachewicz said that too much lighting can be bad and he would like to see it kept on the pedestrian levels. Mr. Stachewicz asked for examples of old lighting fixtures that could possibly be used in this project to keep the old-time rural feeling. Greg Seppanen said that if any lighting were installed, it would have to meet the goals that were set a couple of years ago.

Joe Holman, 210 Riverside Rd, commented that the inner lane of Hwy. 41 is dangerous so everybody drives on the outer lane. Mr. Sikkema responded saying that this problem is being looked into, but it is off the current topic.

Estelle DeVooght commented on the current pedestrian bridge. She agreed that it doesn't serve a current purpose but it is discussed often and nobody ever wants to put up the money to take care of it. Mr. Sikkema said that even though it's not the most convenient it still gives people a chance to cross the highway safely.

Joe Holman, 210 Riverside Rd, said he would like to see a pedestrian crossing that was also a multi-use path for snowmobiles. He said that he would like the township use snowmobiles as an economic boom. Mr. Stachewicz said that this grant is for non-motorized transportation, but snowmobile use is a part of the township's daily work. Mr. Seppanen said he is aware of the current snowmobile issues and those issues are being worked on separate from the topic being discussed.

Dick Arnold, 312 CR 545, asked about putting the proposed pedestrian tunnel where the current bridge is. Mr. Sikkema responded by explaining that the proposed placement is the safest place because building a tunnel can be quite destructive to build.

Joe Holman, 210 Riverside Rd, asked about driveways into businesses and asked if there was a possibility of a turning / deceleration lane. Mr. Sikkema said that they of course would make sure driveways would be easing identified for safety reasons, and Steve Kinnunen said that it was that this was very important. Mr. Stachewicz said that there is limited right of way on Hwy. 41, and they probably wouldn't be able to put in any type of deceleration lanes.

Steve Kinnunen asked if benches along the bike path are a possibility. Somebody said that there are good examples in suburban Chicago and in the Menominee / Marinette area.

Estelle DeVooght asked about the status of the M-28 / US- 41 intersection, if a roundabout or cloverleaf intersection is still being looked at. Mr. Sikkema said that they idea is still being worked on. Mr. Stachewicz said he would like to see a roundabout.

Boyd Snyder, 311 W. Fairbanks, asked about a timeline for this work. Mr. Sikkema explained that it will be tied into the 2009 / 2010 MDOT work, but it's possible that Phase I could start sooner depending on the funding from the grant. He explained that the funding comes from the Federal Gas Tax at 19-cents/ gal and 10% of that goes to non-motorized projects like this one being proposed.

Bill Sanders asked for people to spread the word about this project, and that anyone who wants for info should contact the township. He said any letters of support would be appreciated.

V. PUBLIC COMMENT – None

VI. ADJOURNMENT

Bill Sanders adjourned the meeting at 8:10 p.m.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting April 10, 2006

Present: Estelle DeVooght, Bill Sanders, Ken Tabor, Al Denton

Absent: Tom Shaw, Steve Kinnunen, Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

Bill Sanders started off meeting by saying that he would like to add The Chocolay River access site and Hiawatha Water Trail as an order of business to this meeting. He also said he also wanted to appoint a vice chair because there currently isn't one.

I. PUBLIC HEARINGS

Bill Sanders advised that a public speaker should give name and address and be kept to three minutes.

A. C.U.P. #75—Hendrickson—Single Family Dwelling in OS District

Dennis Stachewicz reviewed the project with an area map. He also referred the commissioners to memorandum dated 4-6-06 and site plan provided.

George Manosky, 2025 M-28 E, Marquette stated that his property was surveyed and it doesn't match with the site plan in terms of lot depth.

B. Private Road #22—Ward—Quandt Trail

Dennis Stachewicz said that Frank Ward is requesting a private road off of US-41 South. His intent is for the road to serve future residential development. This request is purely for a private road. There would be approximately 1300 ft of road, located in R1 district,

Frank Ward, 1401 Co. Road 545 South, Scandia, said he is the one requesting the private road. He said he has already spent \$6000 dollars in surveying and engineering costs.

C. Rezoning #134—English—Multiple Parcels—RR-2/PL to R-1

Dennis Stachewicz stated that the purpose of this rezoning request is to make the property eligible for a rezoning to a PUD zoning district and Dr. English has offered a condition to the rezoning in writing as part of the rezoning application.

He said if the PUD application was never actually filed, or if it was filed and denied, that the classification of the property would revert back to what it currently is.

Dennis Tryan, 315 Kawbawgam Rd., said that his concern is the water. He said that he already had 2 wells put in on his property. He said that the water is suspect, only about 40 ft deep, and this development would cause even more water problems. He also wanted to know if there would there still be access to snowmobile trails and he asked what would happen with the power line. He reiterated that his biggest concern is the water.

Don Houghton, 311 Kawbawgam Rd., said that he has the same concerns as Dennis Tryan. He asked who was going to pay for the water. And he stated that their wells are going to go dry.

Jan Amundson, 2029 M-28 East, said that they just had to drill a new well. She also stated that McDonald is making a mess. She wanted to know if will there be an

environmental impact study done. She questioned the septic systems and said that she objected to any large developments until an underground water study is done

Marlene Johnson, 1953 M-28 East, Marquette, said that they have lived there for 45 years and have always water problems, so they are against it.

Avery Smith, 279 Kawbawgam Rd., Marquette, said that rezoning 277 Kawbawgam causes concern to him. He said he's only lived there for 1 1/2 years and all this talk of water problems concern him.

Jerry War, 1975 M-28 East, said that he used to have a deep well with bad water and he drilled a new shallower one but it is very acidic. He said he is concerned what even more families in the area would do to the water. He said he also has concerns about the liability of the plan. He said that these will be expensive homes and wonders who will even want to live in them. He said he is also concerned about what will happen with the beachfront property that Dr. English owns. He said that he will channel his concerns in all ways needed.

Mary Keegan, 2033 M-28 East, said she echoes all of the concerns that have already been mentioned. She said that she doesn't want the trails to be hurt and that they help the economy. She said she also wonders how this fits into the Township's master plan.

Patrick E Barnett, 1971 M-28 East, Marquette, read a letter that he wrote and that he previously faxed to the Township. The letter was dated March 27, 2006. The letter asked for the commission to deny attempts to change historical land usage that would trample upon individual property rights.

Mary Pat Linck, 367 Lakewood Lane, said that high density, multi-family project like this doesn't belong in Chocolay Township.

Bill Sanders read a letter aloud, written on March 19, 2006, by Keith and Hwa Sun Weiger and it was to be added to the record. The letter expressed opposition to Dr. English's proposed project.

D. Rezoning #135—Wennerberg—1440 M-28 East—C-3 to C-2

Dennis Stachewicz explained that Rezoning #135 is a request from Jon Wennerberg for the rezoning of an approximately 4.19 acre parcel from C-3 to C-2.

II. MEETING CALLED TO ORDER / ROLL CALL

Bill Sanders closed the public hearing and called the meeting to order at 7:55 p.m.

III. APPROVAL OF MINUTES FROM FEB. 13, 2006 AND MARCH 16, 2006 MEETINGS

Ken Tabor moved, Bill Sanders second, to approve the February 13, 2006 meeting minutes as presented. Ayes 4, Nays 0. Motion Approved.

Estelle DeVooght moved, Bill Sanders second, to approve the March 16, 2006 meeting minutes with corrections made to the grammatical errors discussed. Aye 4, Nay 0. Motion Approved.

IV. APPROVAL OF AGENDA /ADDITIONAL ITEMS FOR AGENDA

Bill Sanders said that he would like to add The Chocolay River access site and Hiawatha Water Trail to the agenda and appoint a vice-chair.

Ken Tabor moved, Al Denton second, to approve agenda with additions. Ayes 4, Nays 0. Motion Approved.

V. PUBLIC COMMENT

Don Houghton, 311 Kawbawgam Rd., Marquette, said he would like to make a public comment about concerns that there will be sewage leakage into the limited water that they have.

Jan Amundson, 2029 M-28 East, Marquette, said that density is a concern and that you cannot pile homes on top of each other.

Frank Ward, 1401 Co. Road 545, Skandia, said he has a problem with not being able to cut trees on his own property. He said has a right to maintain timber on his own property and sell it if he wants to.

Mark Maki, 370 Karen Road, said he doesn't know any such law or rule that Frank Ward is talking about. He told Mr. Ward that he can cut his own trees if he wants to. Frank Ward responded to Mr. Maki and said he received a letter from Randy Yelle stating he could not harvest timber. Mr. Maki advised Mr. Ward that he should come and see him about this matter.

VII. NEW BUSINESS

A. HIAWATHA WATER TRAIL ACCESS SITE

Bill Sanders explained the Hiawatha Water Trail along The Lake Superior shoreline.

Dennis Stachewicz said they will be moving forward with this project, though the marina is non-conforming at this point. He said they must ask ZBA for approval, but if it gets the proper status, they can start construction soon.

Nancy Bradbury, 310 W. Wright Pl., Marquette, introduced herself as president of The Hiawatha Water and said she had 7-8 people with her from the trail. She said she wanted to share that will need a significant number of volunteers to make this project happen.

Bill Sanders explained the project a bit more. He said it runs from Big Bay to Grand Marais and that they need a site for users to rest and use at their leisure. There was a question about where it would be located. Mr. Sanders said it will be near current boat launch.

Dennis Stachewicz said that anyone can come by to see him or Tom Murray regarding questions with The Hiawatha Trail Project. He said they are looking at work on a boardwalk, a storage locker to hold 4 kayaks, and a possible overnight campsite.

B. ELECTION OF VICE-CHAIR

Bill Sanders said that the commission needs to appoint a vice chair because there isn't currently one.

Bill Sanders moved, Ken Tabor second, to elect Al Denton as Vice-Chair. No further discussion was held. Ayes 4, Nays 0. Motioned Approved.

C. CONSIDERATION—C.U.P. #75—HENDRICKSON—SINGLE FAMILY DWELLING IN OS DISTRICT

Al Denton stated that everything looks satisfactory.

Al Denton moved, Ken Tabor second, that after review of the Conditional Use request #75, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, sections 213, 401.D, and 701 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #75 with the following conditions (in case this case the word “applicant means Jill Hendrickson):

1. The applicant shall obtain Marquette County Health Department review and approval of well and septic considerations in the form of a site evaluation; and
2. The applicant is required to obtain MDEQ approval if necessary; and
3. A zoning compliance permit shall not be issued until the above conditions have been met.

Ayes 4, Nays 0. Motion Approved.

B. CONSIDERATION—PRIVATE ROAD # 22--WARD --QUANDT TRAIL

Frank Ward said he wouldn't have spent \$6000.00 if he thought his request wouldn't have been approved. He said that he doesn't see why it is necessary for him to spend this money before the road is approved. He said there are major surveying and engineering costs involved and he asked for an explanation.

Bill Sanders responded and said there are requirements that must be met for a private road and it is the owner's responsibility to take care of them. Mr. Sanders said these requirements are not unusual and they are very comparable to other jurisdictions. He added that it is a part of the ordinance and that all private roads that come through the Township have to meet the same conditions.

Dennis Stachewicz said that the applicant has met standards required for the private road, however, the Marquette County Health Department has asked for the condition that it is reviewed and approved by them. Mr. Stachewicz said that this isn't odd and has been done before.

Frank Ward commented that he is a builder and a plumber, amongst other things. He said that he has to go to the health department regardless, so he doesn't understand why there should be further restrictions put on him. He said he is already behind by one month because of cancellations of meetings.

Mr. Stachewicz said he believed that this could be taken care of pretty quickly.

Ken Tabor moved, Al Denton second, that after review of Private Road Request #22; the standards of Section 402.D of Ordinance 34; Section 401.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 "applicant" means Francis Ward):

1. The applicant shall allow access to Township vehicles as well as other public/private utility companies to provide services; and
2. 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; and
3. The applicant pay for and install a road sign identifying the private road as "Quandt Trail" at the intersection with US-41 and the applicant is to pay for and install a stop sign at the same intersection; and
4. The applicant shall obtain a driveway permit from the Michigan Department of Transportation; and
5. The applicant is 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; and
6. The applicant shall comply with the conditions and requirements of all other agency regulations; and
7. The applicant shall obtain Marquette County Health Department review and approval of well and septic considerations in the form of a site evaluation for the proposed lots prior to road construction; and
8. A zoning compliance permit shall not be issued until all of the above conditions are met; and

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.

Ayes 4, Nays 0. Motion Approved.

C. CONSIDERATION—REZONING #134—ENGLISH—MULTIPLE PARCELS— RR-2/PL TO R-1

Surveyor, Glenn Van Neste said that he has heard a lot of valid concerns tonight, but ultimately, this is private property being developed. He said that three - Type 3 wells have been drilled, and that one Type 3 well can support up to 10 houses. He said the water is sufficient and treatable. He said that Dr. English's lake property has nothing to do with the plan in question. It was stated that this will be a "cluster" type development and will end up being more than 1 acre per house. Mr. Van Neste said that he understand that they will have to meet County Health Department requirements on both the well and septic issues.

Bill Sanders stated that the soil in this area is very porous and there is concern about density and concerns about getting nitrates in the water. Glenn Van Neste said that this wasn't really a concern here. Ken Tabor asked how deep type 3 wells are. It was answered that they are over 100 feet deep.

Bill Sanders asked current zoning. Dennis Stachewicz said it is Rural Residential Number Two. Mr. Sanders asked about density. Dennis said it would hold about 7 homes as currently zoned.

Dennis Stachewicz said that he believed that the PUD process is the only way to achieve the recommendations in the Comprehensive Plan until the Zoning Ordinance has been updated.

Bill Sanders asked Glenn Van Neste if he would feel burdened by answering the citizen's concerns and questions. Glenn answered "no," because they have to do it for the County Health Department anyway.

Jim Clark, Project Manager, reviewed concerns. He said that a type three well is required to be at least 100 ft deep and an isolation barrier is required so there will not be mixing. Mr. Clark also said that there are strict State and County standards and as far as power lines go, no existing ones will be affected and all new ones will be underground. He said there will be no jurisdiction over the snowmobile trail and the main traffic access will be on M-28.

Mr. Clark said the beachfront property on M-28, Dr. English's 2nd home, is not included on this development. He explained that there will be single-family homes, owned as condominiums, but there may be one area where there will be a duplex or two. The required open spaces will be considered conservation area and those areas will never be developed on.

There was discussion about the definition of "immediate near future." Dennis Stachewicz advised the Planning Commission that they could not alter the condition presented by Dr. English, however, they could ask for a definition of "immediate near future."

Dr. English commented that cancelled meetings have caused delays in his project.

Further discussion of "immediate near future" take place and Glenn Van Neste said he that to him it mean nothing less than two years, because the PUD process takes time.

Al Denton Moved, Bill Sanders Seconded, that following the review of Rezoning Request #134, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #134 with the condition offered by the applicant in writing that clearly states "*Upon favorable zoning change, the applicant will submit a PUD application in the immediate near future*"

for development of a cluster design residential housing community with an emphasis on outdoor recreation/conservation living attributes,” for the following reason:

1. The rezoning is an attempt by the property owner to work with the Planning Commission and Township Board to achieve the recommendations for rural residential land use as recommended in the Township Comprehensive Plan.

Ayes 4, Nays 0. Motioned Approved.

D. CONSIDERATION—REZONING #135—WENNERBERG—1440 M-28 EAST—C-3 TO C-2

Jon Wennerberg, 509 Dukes Rd – Skandia, stated that he runs Star Industries and is wishing to rezone property located at 1440 M-28 East from C-3 to C-2. He says that it is in the back of mind that he wants to develop to a lodging facility there.

Dennis Stachewicz said he has already discussed the issue of waste disposal with Mr. Wennerberg and said the DEQ will probably get involved. Mr. Stachewicz said that if a large lodging facility was built, it may need alternate sewage treatment other than a septic system.

Mr. Stachewicz said that this is a reasonable request for a C-2 and that it will actually provide a buffer to the residential area.

Mr. Wennerberg said that he talked to a consulting engineering firm who said that a septic mound system concept is becoming common around here and that the Jack Pine trees would hide it. He said he also owns property East of his current building where he could put the mound system.

Ken Tabor moved, Al Denton second, that following the review of Rezoning Request #135, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #135 for the following reasons:

1. The rezoning is consistent with the Township Comprehensive Plan; and
2. The rezoning will allow the parcel involved to act as a “buffer” or transition area that will prevent the encroachment of industrial activity on an established residential area located on the North side of M-28.

Ayes 4, Nays 0. Motion Approved.

Bill Sanders asked if this will now go to the County Planning Commission. Dennis Stachewicz said that both Rezoning requests will go to the County Planning Commission.

E. CONSIDERATION—VACATION OF ALLEY BETWEEN FAIRBANKS AND MAIN STREETS

Al Denton moved, Ken Tabor second, that the Charter Township of Chocolay Planning Commission recommends that the Township Board send a letter to the Marquette County Road Commission supporting the abandonment of the 20’ alley in block 3 of the Plat of the Village of Harvey.

Dennis Stachewicz said that this is pretty common and there is often trouble getting clear titles to homes because of these alleys that only exist on paper. He said that these alleys are a part of the original plat that never got built.

Ayes 4, Nays 0. Motion Approved

F. CONSIDERATION—SPRINGWOOD ESTATES SITE CONDOMINIUM—FINAL PLAN

Mr. Stachewicz said that he has received documents of final plan and that he has received a master deed that is good to go, but the final site plan needs it in a specific form listed by the condominium act. He said he recommends that it is approved but it has to be put in final form before it goes to the Township board. He also said that they do already have County Health Department approval

Glenn Van Neste explained the map in question to the board in detail. He said there will be a 66 ft road that will go out to M-28. Mr. Stachewicz said it is best to remember that the road is an easement and not a right of way.

Mr. Sanders said he agreed with Mr. Stachewicz that the plan is good for their purposes. Glenn said the Condominium Act does allow for them to combine their plans and it will probably end up being a three sheet plan in the end.

Ken Tabor moved, Al Denton second, that the Charter Township of Chocolay Planning Commission approves the final site plan for the Springwood with the following conditions:

1. The Master Deed be amended to address the concerns of the Township Attorney and incorporate the conditions of approval given by the Township Board and Marquette County Health Department;
2. The final site plan be compiled in the form required by Section #66 of the Condominium Act and address any conditions of the Planning Commission; and
3. The above two conditions shall be met prior to presenting the final site plan to the Township Board.

Ayes 4, Nays 0. Motioned Approved.

G. CONSIDERATION—REVIEW OF PROPOSALS FOR ZONING ORDINANCE UPDATE

Bill Sanders that he must step down due to a conflict of interest and remove himself from discussion. Dennis Stachewicz suggested that it be tabled since that will leave the Planning Commission without quorum.

Al Denton moved, Ken Tabor second, that consideration for review of proposals regarding the Zoning Ordinance Update be tabled until the next meeting.

Ayes 4, Nays 0. Motion Approved.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz advised that he needs the large site plans back.

Mr. Stachewicz reminded the Planning Commission that the terms of Bill Sanders and Steve Kinnunen expire at the end of next month. He asked that they take some time to let him know if they are interested in being re-appointed.

Mr. Stachewicz discussed the GIS system, how efficient it is, and what a big time saver it is for the Township staff. He said he hopes that all Township personnel will learn to do it eventually. He said they have it on a trial program right now and will ask the board for money to purchase it. He asked for support.

Mr. Stachewicz said that the possible snowmobile business spurt will continue to be discussed and should be on the agenda for the next meeting.

Mr. Stachewicz said that money is budgeting for training if any of the commission members are interested. He also reminded that the MTA district meetings are coming up on May 18th and they should see him to register.

Bill Sanders asked if the County Health Department compiles data in the GIS database. Dennis said he is not sure, but a lot of data can be downloaded from State of Michigan website.

IX. PUBLIC COMMENT

George Manosky said the GIS is probably the best tool he has seen in the township in 16 years, and that in his opinion it would pay for itself in a year.

Ron Johnson asked if the bike path on Kawbawgam Road was going to be blacktopped. He said he read an article in the Mining Journal that indicated it was. Mr. Stachewicz said the DNR has applied for a grant for crushed limestone along snowmobile trail to walk and ride bikes. He said that it probably wouldn't be blacktop because that could be torn up by motorized traffic in the winter.

X. COMMISSIONER COMMENT

Al Denton reported ZBA information. He said that an appeal must now be made within 21 days of decision. He said this will speed up the appeals process.

He said there was a mistake made by the Zoning Administrator regarding the bank on US-41 but the ZBA corrected it and it is no big deal.

He also updated that 320 Shot Point was denied, and the Class A non conforming designation was rescinded.

George Manosky said he had one last comment. He said he asked for a response about a survey, but hasn't received one yet. Mr. Stachewicz said that the issue is with the depth of the lot, and as long as Ms. Hendrickson meets set backs, it shouldn't be an issue.

XI. ADJOURNMENT

Meeting adjourned at 9:40 pm

Estelle DeVooght, Commission Secretary
Secretary

Rebecca Stachewicz, Recording
Secretary

Charter Township of Chocolay Planning Commission Meeting

May 8, 2006

7:00 P.M.

Present: Steve Kinnunen, Bill Sanders, Al Denton, Scott Emerson, Tom Shaw, and Estelle DeVooght

Absent: Ken Tabor

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

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

II. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Al Denton moved, Bill Sanders second, to approve the minutes as presented. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

ORV trail discussion was added to the agenda under New Business.

Scott Emerson motioned, Bill Sanders second, to approve agenda with new addition. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

A. Consideration—Review of Proposals for Zoning Ordinance Update

Bill Sanders stepped down (conflict of interest) and Al Denton took over as chair.

U.P. Engineers & Architects, Tri-Media Consultants, and STS Consultants all submitted proposals. Dennis Stachewicz said it was stated in the RFP that interviews would be held of selected firms.

Al Denton recommended eliminating one of the choices and interviewing two candidates. Discussion was held and STS was eliminated due to their high asking price.

Tom Shaw moved, Scott Emerson second, to eliminate STS and interview U.P. Engineers & Architects and Tri-Media Consultants. Ayes 6, Nays 0. Motion Approved.

Special meeting for interviews will be on 7:30 pm May 17, 2006. Bill Sanders returned as chair.

B. Consideration—Recommend Re-appointments to Planning Commission

Bill Sanders stated that he would not like to be reappointed. Steve Kinnunen said he enjoys being involved with the Planning Commission and asked to be re-appointed.

Dennis Stachewicz said they have only one application on file from Andy Smith of Smith Paving in the case that a vacancy would occur. Scott Emerson said that Joe Holman is also interested.

Estelle DeVooght said that they want to make sure they get someone who can come to all of the meetings.

Scott Emerson moved, Al Denton second, to allow the Director of Planning and Community Development to write a letter of support on behalf of the Planning Commission asking for the re-appointment of Steve Kinnunen and present the letter the Township Supervisor.

Aye 6, Nays 0. Motion approved.

VI. NEW BUSINESS

A. Discussion—Informal PUD Discussion—Faith Assembly of God

Dennis Stachewicz explained that Chocolay Township was approached by Pastor Kevin Taylor regarding the potential for a rezoning to PUD at the property owned by the Silver Creek Church (formerly know as Faith Assembly of God), located at 1510 M-28 East.

Troy Koepp, 1729 M-28 East, said he is looking to purchase the property at 1510 M-28 East and develop it as a personal residence and two businesses. One business would be an electronics installation and the other would be the sale of used cars. He said he didn't think there would be a big disruption to the public. He also said the approximate hours of operation would be 9:00 a.m. to 7:00 p.m. and that they are there looking for ideas on what they would have to do to proceed and what to expect in the process.

Mr. Koepp stated that there would not be any vehicle repairs made on the premises, only car sales. He said that there is approximately 1,600 square feet of living space on site and he would also live there, allowing him to watch over the property.

Al Denton stated that their obligation is to the residents and doesn't want to hurt property values. He said he had concerns about chemicals and garage activities that could hurt residents.

Dennis Stachewicz said that this is a vacant piece of property and if there is a creative way to redevelop through PUD with reasonable controls then that should be weighed against having a vacant building that could fall into disrepair. He also said that the property owners must understand that there may be conditions put on them requiring them to do things outside of their business plan.

Mr. Koepp approximated he would have 20-25 cars in their lot for sale at a time. Pastor Kevin Taylor said that there 86 parking spaces in the lot.

Lighting and security issues were discussed between commissioners and business owner and the business owners were advised to get the neighbors involved early in the process.

B. Discussion—Zoning District Classifications of Township Owned Property

Dennis Stachewicz said that the ZBA had to get involved in a decision, due to project timing, regarding the water trail access site because the property was not properly zoned. He said that it would be more appropriate to properly zone Township owned property in accordance with the Comprehensive Plan and the Recreation Plan.

Steve Kinnunen moved, Bill Sanders seconded, that the Charter Township of Chocolay Planning Commission recommends that the Township Board consider allowing the Planning Commission to author a Text Amendment to address the location of "Marinas" on properties zoned as Public Lands and also consider submitting an application for rezoning of the Township owned parcel known as the "Marina" to rezone the property from R-1 to PL.

C. Discussion—Snowmobile Business Route

Dennis Stachewicz gave a history of several attempts to develop a business route for snowmobiles. He said a group of citizens are pushing for alternate route that would alleviate problems along the current trail and also bring snowmobiles into the business district. He said that the Township has met with elected officials and department heads from State agencies to discuss this matter and their recommended alternative is the one being presented at the meeting.

Mr. Stachewicz said outlined the details of the proposed route on the map that was provided to the Planning Commission. He also outlined the concerns with such a proposal. He also said the main safety concern would be trail development North of US - 41 and M-28, especially if it became a two-way trail.

Scott Emerson talked about having a two-way trail and said that it wouldn't be a high velocity trail so there would be little chance of a serious accident. Mr. Stachewicz said it was State law that a two-way trail must be 16 feet off of the pavement and must be twelve feet wide if the trail is to be groomed.

Bill Sanders explained that MDOT has rigid regulations and standards that are hard to get around.

Further discussion entailed trail design issues, the speed limit on US - 41 and the caution that should be taken so as to not affect the enhancement grant application that has already been submitted.

Mr. Stachewicz said it would be easiest to follow through on this business district trail if they go with what is being presented. He said this option has been recommended by all of the State agencies involved with funding and approval. He said if they try to change it to a two-way trail north of US-41 and M-28, it would require special legislation. He explained right now this is just a concept and

Scott Emerson said he supported taking this concept and it was the consensus of the Planning Commission to have Mr. Stachewicz write a letter to the Township Supervisor indicating their support for the concept presented at the meeting.

D. Discussion-- ORV use on snowmobile trail

Scott Emerson said the trail is being used illegally by ORV's and that something needs to be done about the illegal use. He recommended that the DNR get involved and help with enforcement and design of structures to prevent motorized use in the non-winter months.

The design of the structure located at the Carp River bridge in Marquette was discussed. It keeps out motor vehicle traffic, but allows bikes and walking traffic.

Scott Emerson said he would like to talk with a representative from the DNR about the ORV issue. Dennis said he would work on it. It was the consensus of the Planning Commission to have Mr. Stachewicz write a letter to the Township Board notifying them of the problem occurring with the ORV use on the railroad grade.

VII. PLANNING DIRECTOR'S REPORT

None.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

The processes of the Frank Ward and Dr. English projects were discussed. Estelle DeVooght expressed her frustrations with the processes.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information—MTA Publication: *The 2006 Michigan Zoning Enabling Act*

B. Information—*Planning and Zoning News*

XI. ADJOURNMENT

Meeting adjourned at 9:15 p.m.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Special Planning Commission Meeting

Wednesday, May 17, 2006

7:30 P.M.

Present: Al Denton, Tom Shaw, Estelle DeVooght, and Ken Tabor

Absent: Steven Kinnunen and Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and
Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:38 p.m.

II. PUBLIC COMMENT

No public present.

III. NEW BUSINESS

A. Presentation and Interview – TriMedia Consultants

Lisa Coombs - Gerou, Principal Planner with Tri Media Consultants presented Zoning Ordinance Update proposal; Justin Rosky, GIS Specialist and Dave St. Onge were also in attendance.

Al Denton asked if they would be able to stay within budget. Mrs. Coombs – Gerou said they would base their fees upon the tasks listed in their proposal. Al Denton asked why they were involving the Zoning Board of Appeals (ZBA) in the process as he understood the ZBA is a quasi-judicial board and usually is not involved in drafting ordinances. Mrs. Coombs – Gerou said she believed the ZBA has information pertaining to variances that could be used during the project.

B. Presentation and Interview—U.P. Engineers and Architects

Pat Coleman with U.P. Engineers and Architects (UPEA) presented Zoning Ordinance Update proposal.

Al Denton asked if they would be able to stay within the budgeted amount. Mr. Coleman said they would follow the hours allocation in the written proposal and did not anticipate any increase in fees.

Al Denton asked if UPEA would get involved with the ZBA. Mr. Coleman said that he felt that variance information could be received from staff and his firm would dissect that information and recommend any changes. He said the ZBA has a unique role and it was best not to involve them in the process.

C. Consideration—Develop Recommendation to Township Board Re: Consulting Firm for Zoning Ordinance Update

Commissioners discussed that both presentations were good and that they were equal in price. Commissioners came to a consensus that UPEA would provide the best service to the Township because they had a better understanding of the details involved with the project.

Al Denton moved, Ken Tabor second, to recommend UPEA to the Township Board that U.P. Engineers and Architects do the update of the Chocolay Township Zoning Ordinance.

Ayes 4, Nays 0. Motion approved.

IV. PUBLIC COMMENT

No public present.

V. ADJOURNMENT

Meeting adjourned at 8:43 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

MONDAY, JUNE 12, 2006

7:30 P.M.

Present: Al Denton, Tom Shaw, Estelle DeVooght, and Ken Tabor

Absent: Steve Kinnunen and Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:33 p.m.

II. APPROVAL OF THE MINUTES OF THE MAY 8, 2006 AND MAY 17, 2006 MEETINGS

Ken Tabor moved, Tom Shaw second to accept minutes. Ayes: 4, Nays: 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Estelle DeVooght moved, Al Denton second to accept agenda. Ayes: 4, Nays: 0. Motion carried.

IV. PUBLIC COMMENT

Ron Yesney, MDNR gave update on snowmobile trail. He said the staff in Lansing didn't go for moving the trail, and it will stay where it is now within the railroad grade. He said that they are still in the engineering phase of project. He said that there is a lawsuit in process, which some landowners are claiming ownership of the grade, and it will hold up the process of the resurfacing.

He explained that once engineering is done, the DNR will apply for construction, which will probably happen sometime in 2007.

Al Denton asked if there was anything the Township could do to help at this time. Mr. Yesney said the Township has been of great help already, but nothing more can be done at this time.

Estelle DeVooght inquired about the lawsuit. Mr. Yesney explained that if the lawsuit is successful, the snowmobile trail would not exist at all.

Mrs. DeVooght asked about the costs of engineering. She said it did not make sense to have it re-engineered when the trail already exists. Mr. Yesney said that they have no control over that, but they can fix any bad or unsafe spots in the engineering process. He said an in-house engineer will probably do the project, so costs shouldn't be that high

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Consideration—Annual Election of Officers

Dennis Stachewicz said that Mr. Dennis Magadanz will be recommended for appointment to the Commission to fill the current vacancy and Steve Kinnunen will be recommended for re-appointment.

Estelle DeVooght moved, Ken Tabor second that Al Denton serve as Chairperson.

Ayes: 4, Nays:0. Motion carried.

Al Denton moved, Ken Tabor second for that Tom Shaw serve as Vice Chairperson.
Ayes: 4, Nays: 0. Motion carried.

Al Denton moved, Tom Shaw second that Estelle DeVooght remain as Secretary.
Ayes: 4, Nays: 0. Motion carried.

Estelle DeVooght moved, Al Denton second that Steve Kinnunen serve as Vice Secretary.
Ayes: 4, Nays: 0. Motion carried.

B. Consideration—Chocolay Condominiums Preliminary Site Plan

Dennis Stachewicz presented the preliminary site plan for the Chocolay Condominiums, a site condominium project. He said the parcel was recently rezoned from a combination of R-1 and C-2 to R-3 to support multiple family development at this site.

Mr. Stachewicz went over some points to be addressed including:

- A proposed pavilion
- Aisle width for two-way traffic in off-street parking areas
- Proposed connection to the storm sewer
- The connections to the Township sewer system are not shown on the site plan
- Proposed lighting
- Screening of the dumpster

Richard Uren, project architect presented the project to the commission. He explained that they want the condominium units to look more like townhouses than apartments.

Al Denton recommended that the driveways extended to 24 ft. (instead of 18 ft) for access for emergency vehicles, trash pickup, moving vans, and other large vehicles.

Mr. Uren described the pavilion as a “permanent screened porch” that was considered to be a structure that is associated with the dock. He also stated that any lighting would be for normal, residential home lighting purposes.

Estelle DeVooght asked about ownership of the homes. Mr. Uren explained that there will be an association that owns the grounds, but each unit will be held individually.

Tom Shaw questioned if everyone would want to start putting a pavilion on the water. Mr. Stachewicz said that it was a staff concern that a precedent may be set by allowing a pavilion as an associated structure.

The interpretation of Section 403 of the Zoning Ordinance (waterfront setback) was discussed by the Planning Commission and it was determined that the proposed pavilion met the intent of Section 403 of the Zoning Ordinance.

Tom Shaw asked whether or not it would be safer to have a driveway on US-41 rather than Main Street. Mr. Stachewicz said the US-41/M-28 Corridor Plan encourages driveways to be located off the trunkline.

Ken Tabor moved, Estelle DeVooght second that the Planning Commission recommends approval of the preliminary site plan for the proposed Chocolay Condominium and forwards in the Township Board with the following recommended conditions:

1. That the development comply with the submittal requirements of Sections 525 and 503 of Zoning Ordinance 34, and Condominium Act 59 for the Final Condominium Plans; and
2. Approval is required from the agency with jurisdiction over the storm sewer located on Main Street before a connection can be established.

Ayes: 4, Nays: 0. Motion Carried.

C. Discussion—Superior Pines Development Informal PUD Discussion

Dr. English read a letter addressed to Greg Seppanen, Township Supervisor, concerning Hwy BAA. He gave copy of the Site Plan to commission and explained that the Marquette County Road Commission is requiring a temporary cul-de-sac. He said that per discussion with his development team and Township staff, a “T” turn around may be more appropriate.

Mr. Stachewicz said a “T” turn around would be a better option to ensure road connectivity in the future and he cautioned that a temporary cul-de-sac could easily turn into a permanent one if the development faltered.

Dr. English asked for a letter of support to be written to the Township Board from the Planning Commission.

Tom Shaw moved, Al Denton second to a send letter the Township Board supporting the T-turnaround instead of a cul-de-sac at the southernmost point of County Road BAA in the proposed Superior Pines development.

Ayes: 4, Nays: 0. Motion carried.

Consideration—2005 Annual Report

Al Denton said that Dennis Stachewicz did a very good job with this.

Tom Shaw moved, Ken Tabor second, to authorize the Director of Planning and Community Development to distribute the Year 2005 (Annual) Report to the Township Board.

Ayes: 4, Nays: 0. Motion carried.

D. Consideration—Letter Of Recognition for Bill Sanders

Al Denton presented a letter of recognition written by Dennis Stachewicz to Bill Sanders on behalf of the Planning Commission.

VII. PLANNING DIRECTOR’S REPORT

Mr. Stachewicz said that they are expecting an application for PUD from Dr. English within the next 90 days.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

None.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information—Marquette Township Planning Commission Minutes-3/22/06

B. Information—City of Marquette Planning Commission Minutes-4/25/06

XI. ADJOURNMENT

Meeting adjourned at 8:30 pm

Estelle DeVoght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

MONDAY, JULY 10, 2006

7:30 P.M.

Present: Albert Denton, Dennis Magadanz, Estelle DeVooght, Tom Shaw, Ken Tabor, and Scott Emerson

Absent: Steve Kinnunen

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE JUNE 12, 2006 MEETING

Estelle DeVooght moved to approve, Tom Shaw second. Ayes 6, Nays 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved to approve, Dennis Magadanz second. Ayes 6, Nays 0. Motion carried.

IV. PUBLIC COMMENT

Ron Yesney, Michigan Department of Natural Resources (MDNR) stated he was there to answer any questions.

V. OLD BUSINESS

A. Discussion-MDOT Corridor Grant Project—Snowmobile Business Loop

Don Britton stated that this is an excellent opportunity to get a snowmobile trail and bike path, and it will make the trail accessible to all types of recreation. In the summer it would be a non-motorized trail. He recommended proceeding.

Dennis Stachewicz reviewed the background of the project. He said it started as a way to create a business spur and that a funding opportunity has been presented through the MDNR, with Chocolay Township and MDOT matching funds. Mr. Stachewicz stated that himself, Greg Seppanen, Don Britton, and Andy Sikkema have met to look at options regarding combining their two current grant projects (this one and the corridor grant) into one. He said that combining the two grants would keep them from having to choose one over the other.

Mr. Stachewicz asked that the Planning Commission to make a list of pros and cons enabling decisions to be made easier down the line. He said a joint meeting with the Township Board later in the summer is recommended.

Estelle DeVooght asked if the residents on M-28 are aware of this proposal. Mr. Stachewicz said that a notice would be sent as an invitation to the public meeting, along with a posted notice in the Mining Journal.

Al Denton asked about crossroads and driveways. Mr. Stachewicz said there are about 12 total with the South side of M-28 having fewer. Mr. Stachewicz showed a map of the area and the driveway crossings were discussed.

Tom Shaw stated that the makeshift dirt trail (on the South side of M-28) has been used for many years and continuing to use that same path would be least disruptive to the current residents and the church.

Scott Emerson asked that the two-way trail option be left open for discussion in the future. He stated that motorized recreation is bad for society, but he does believe this trail can be used for summer recreation. He stated that he thinks this trail will be good to alleviate snowmobile pressure in other areas and it will help the commercial businesses and economic development in Chocolay Township.

The right-of-way on Hwy 41 was discussed. Mr. Emerson thought that some of the businesses might give up some of their property to the right-of-way for the snowmobiles if they saw the chance for economic development. Mr. Stachewicz explained that there is limited right-of-way and the Township Board would then have to consider purchasing property in order to accommodate a trail.

Mr. Denton said it appears that the Planning Commission is in favor of a snowmobile trail on the South side of M-28 as a business spur into Chocolay Township using the Togo's property, the Hotel Property, and using it as a bike path in the summer months.

Scott Emerson again asked that the two-way trail option be left open in the future. Mr. Stachewicz said MDOT has been firm on stating they won't agree to any 2-way trail. Mr. Emerson stated that is "for now" and said might be open for discussion sometime in the future.

The Planning Commission agreed that the proposed frontage sheet should be written into the grant request if possible as it would accomplish some of the goals from previous planning efforts.

Monday, July 31 at 7:00 p.m. was suggested as a proposed meeting time for a joint Planning Commission and Township Board meeting.

VI. NEW BUSINESS

None

VII. PLANNING DIRECTOR'S REPORT

Dennis Stachewicz said that there are three public hearings next month including the rezoning of the Township Marina, a text amendment to address marinas in the Public Lands Zoning District, and a PUD for old Faith Assembly of God Church.

He also stated that the Township Board approved the contract with U.P. Engineers and Architects and he hopes to have them attend the next Planning Commission meeting to kick off the project

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

Mr. Denton welcomed Denny Magadanz to the commission..

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Information-Marquette Township Planning Commission Minutes – 4/12/06, 4/2/06, 5/10/06, 5/25/06 and 6/07/06

XI. ADJOURNMENT

Meeting adjourned at 8:15 pm

Charter Township of Chocolay Planning Commission Meeting

MONDAY, AUGUST 14, 2006

7:30 P.M.

Present: Steve Kinnunen, Al Denton, Scott Emerson, Tom Shaw, Estelle DeVooght, Dennis Magadanz, and Ken Tabor

Absent: Tom Shaw

Staff: Dennis Stachewicz (Director of Planning and Community Development) and Rebecca Stachewicz (Recording Secretary)

I. PUBLIC HEARINGS

A. Rezoning #138 – Text Amendment – Marinas in PL District
No public comments made.

B. Rezoning #136 – Chocolay Township – R-1 to PL
No public comments made.

C. Conditional Use #76 – Gentz – Golf Course Expansion
Randy Gentz stated he was present to answer any questions.

II. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:35 p.m.

III. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Scott Emerson moved, Dennis Magadanz second, to approve the minutes of the April 10, 2006 meeting as presented. Ayes 6, Nays 0. Motion carried.

IV. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson moved, Ken Tabor second, to approve as presented. Ayes 6, Nays 0. Motion carried.

V. PUBLIC COMMENT

No public comment.

VI. OLD BUSINESS

No old business.

VII. NEW BUSINESS

A. Consider – Rezoning #138

Dennis Stachewicz said the text amendment would add “marinas” as a permitted principle use in the Public Lands Zoning District. He said the Marina was identified as a non-conforming use. He also said that since the Comprehensive Plan and Recreation Plan support development of the Marina, the Township should take the appropriate steps to bring the use into conformity.

Mr. Emerson said he had concerns regarding noise, parties, music, campfires and such.

Fran Wallace said he lives next door and has had to call the police a few times already in the past and will continue to so if there are problems. He is concerned about boats and canoes on his property. He also is concerned about accesses in and out from his land.

Scott Emerson moved, Steve Kinnunen second, that following the review of Rezoning Request #138, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #138 for a text amendment to Zoning Ordinance #34 under Section 204 PUBLIC LANDS ZONING DISTRICT to amend the PERMITTED PRINCIPLE USES by adding “Marinas.”

Ayes 6, Nays 0. Motion carried.

B. Consider – Rezoning #136

This is a request by Chocolay Township for the rezoning of an approximately 3.58 acre parcel from R-1 to PL. This property is more commonly known at 137 W. Main Street.

Dennis Stachewicz went over map for the public and restated the reasons for the rezoning request and previous text amendment.

Steve Kinnunen moved, Scott Tabor second, that following the review of Rezoning Request #136, and the Staff/File Review, and holding a public hearing, the Planning Commission recommends that the Township Board APPROVE Rezoning request #136 for the following reason:

1. The rezoning is consistent with the Township Comprehensive Plan and Recreation Plan.

Ayes 6, Nays 0. Motion carried.

C. Consider- Conditional Use #76

Gentz, Inc. has requested Planning Commission review of a Conditional Use to expand their golf course located at 353 Gentz Road in Chocolay Township.

Dennis Stachewicz said his biggest concerns are water testing and setbacks on the northern boundary of the site plan. Mr. Stachewicz recommended that an additional monitoring well be installed at the NW corner of the property near the greens for Holes #14 and Holes #16.

Mr. Stachewicz also said he spoke with the Marquette County Health Department and they did not have any concerns about the water usage. He advised that the primary concern is related to nitrates leaching into the groundwater.

Location of current wells and possible placement of new wells were discussed. Mr. Stachewicz said he did not see any use for the current well in the center of the property and he recommended that it be removed in lieu of another well at a more appropriate location.

Ken Tabor moved, Scott Emerson second, that after review of Conditional use request #76, the Staff/File Review – Site Data and Analysis, Sections 208, and 701 of the Zoning Ordinance, the site plan and application provided, and subsequently finding compliance with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #76 as an amendment to Conditional Use #19 with the follow conditions (in the case the word “applicant” means Gentz, Inc):

1. Conditions #1, 2, and 3 required for the previous amendment to Conditional Use #19 (approved on June 1, 1998) shall be required as a condition of this approval; and
2. The applicant shall revise the placement of the cart path and tee for Hole #14 so that it meets the requirements of the Zoning Ordinance; and
3. The clubhouse and cart storage shown as part of “Phase II” are not included in this approval as they have already been constructed; and
4. An additional monitoring well shall be installed at the northwest corner of the property near the putting greens for Holes #14 and #16 as shown on the site plan and an additional monitoring well shall be installed as the southeast corner of the previously built nine hole course, and removal of the clubhouse well; and
5. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator prior to the start of construction; and

6. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies are acquired.

Ayes 6, Nays 0. Motion Carried.

D. Presentation- U.P Engineers and Architects – Zoning Ordinance Update

Pat Coleman, U.P. Engineers and Architects, said he is there to talk about the process of the project. He said the current schedule would require a meeting in October to start drafting the new ordinance language and then another meeting in January to formalize the draft. Mr. Coleman said his firm will hopefully get a new ordinance in front of the Township Board and approved in March, which would be right on schedule.

Mr. Coleman went over the zoning and recreational use concerns from the Chocolay Township Comprehensive Plan from 2005.

Proposed industrial activity on M-28 was discussed. Mr. Coleman and Mr. Stachewicz agreed that industrial opportunities should be looked at closer in this process.

Mr. Coleman presented a zoning map to the Planning Commission and discussed property ownership lines.

Mr. Coleman asked about other issues of concern. Mr. Denton said he is concerned about outside wood-burning units and would like that to be looked at closely. It was the consensus of the Planning Commission that lighting and private roads were other areas of concerns to be addressed. Steve Kinnunen said that they really try to be proactive and stop problems before they arise. He also said that it is important for them to be prepared to deal with residential developments coming into Chocolay Township. Scott Emerson said snowmobile issues should be addressed. Estelle Devooght asked to be brought up to date on eminent domain and how to protect certain areas within the Township.

Randy Gentz said that this project seems very good for the Township and like the way it is moving along.

Mr. Coleman said he would plan on coming back to a meeting in October.

E. Consider – Letters of Support – MARQTRAN Grant Proposals

The Planning Commission allowed the Chair to sign the supports letters provided and the letter to the Township Board asking them to consider supporting the projects.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz said the enhancement grant was submitted to MDOT and now will be sent to the State for review. He also said that he submitted a trail proposal with the DNR as part of the request and the trail may also need conditional use approval.

Mr. Stachewicz said Dr. English has been reminded that his 90 day period for submitting a PUD has expired and another preliminary meeting needs to be scheduled.

He also said the former Silver Creek Church property on M-28 has accepted an offer from another church which is why the rezoning request was pulled.

IX. PUBLIC COMMENT

Richard Uren said he was there to talk about the condominium project and was frustrated that it wasn't on the agenda tonight. He didn't know it wasn't going to be addressed. Mr. Stachewicz said he has spoken with several members acting on behalf of the project and notified them that the application is deficient.

Mark Maki gave a history of lot sizes in the Zoning Ordinance. He stated that in 1977 there were a lot of political compromises that made the Zoning Ordinance the way it is today.

X. COMMISSIONER COMMENT

None.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

XII. ADJOURNMENT

Meeting adjourned at 8:51 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, September 11, 2006
7:30 P.M.

Present: Steve Kinnunen, Al Denton, Tom Shaw, Estelle DeVooght, Dennis Magadanz,
and Ken Tabor

Absent: Scott Emerson

Staff: Dennis Stachewicz (Director of Planning and Community Development), Tom Murray,
(Community Development Coordinator) and Rebecca Stachewicz (Recording
Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE APRIL 10, 2006 MEETING

Dennis Magadanz moved, Estelle DeVooght second, to approve the minutes as presented.
Ayes 6, Nays 0. Motion carried.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Dennis Stachewicz stated he would like to add an item to discuss a request for a 30-day
extension for the Ewing Subdivision added (formerly Elderwood).

Steve Kinnunen moved, Estelle DeVooght second, to approve agenda with the additional
item. Ayes 6, Nays 0. Motion carried.

IV. PUBLIC COMMENT

None.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Consider- Bayou Condominiums Final Development Plan

Mr. Stachewicz stated that he recommends an approval with conditions that the developer
provide approvals from the Marquette County Health Department (MCHD) and the
Marquette County Road Commission (MCRC) prior to presenting to the Township Board,
and that the site plan be approved with the condition that the driveway width between
buildings B & C shall be a minimum of 24 feet, instead of the 20 feet the plan shows now.

Mr. Stachewicz said the township attorney reviewed the Master Deed and didn't have a
problem with it. He also said the legal description will be incorporated into the Master
Deed.

Rich Uren said that the width of the driveway was a mistake on the plans and it will be
corrected. He also said that he probably won't have the letter from the MCHD this week,
but it is being worked on. He said that a Type 3 well for multi-home property must be
approved by the MCHD with DEQ rules, which takes time.

Estelle DeVooght asked about possible standing water at the site of the storm water
retention pond. Mr. Uren stated there should not be much standing water because of the
soil type, except in the spring when the ground is frozen.

Mr. Magadanz asked what kind of lighting is planned. Mr. Uren stated that only residential, downward facing lighting will be used. There will no freestanding light poles with arms present.

Mr. Kinnunen asked about landscaping with trees there. Mr. Uren said they are trying to maintain as many trees as they can and will only remove what they need to so they can get the building in.

Ms. DeVooght asked about snow removal in the winter. Mr. Uren said the snow will be pushed towards the north end of the parking lot.

Mr. Kinnunen asked about the trash holding receptacle. Mr. Uren said it will be covered with a partial wall.

Mr. Kinnunen asked about the well, if it will be below or above ground. Mr. Uren said it is below ground.

Dennis Stachewicz said if lighting is a problem, the Planning Commission can put in a condition that only down facing fixtures on building be allowed to ensure that nothing pops up in parking lot in the future.

Mr. Uren the approval from the MCHD is taking more time than expected and he is working under time constraints. He asked that the Planning Commission conditionally approve the request in a manner that it could be presented to the Township Board at their next meeting.

Mr. Stachewicz stated that after September 18th, the next Township Board meeting will be October 16th. He also said that past practice has allowed the Planning Commission to issue conditional approvals as long as the information is presented to the Board.

There was discussion by the Planning Commission regarding the applicant's request and the timing of the development. The Planning Commission asked Mr. Stachewicz if it would be appropriate to honor the request. Mr. Stachewicz said he wasn't positive but he thought the Planning Commission could attempt a conditional approval.

Tom Shaw moved, Dennis Magadanz second that the Planning Commission recommends approval of the preliminary site plan for the proposed Bayou Court Condominium and forwards it to the Township Board with the following recommended conditions:

- 1) The developer must provide approvals from the Marquette County Health Department and Road Commission; and
- 2) The site plan is being approved with the condition that the driveway width between buildings B and C shall be a minimum of 24 feet

Ayes 6, Nays 0. Motion carried.

B. Consider- MNRTF Grant Application

Tom Murray said that this is the third try for this grant that was previously applied for in 2003 and 2005. He said that this year they have scored more points than they have in previous years, but there is no indication yet that they will receive the grant. He does believe though that there is a good chance that they will get it.

Mr. Murray stated that the DNR is asking for clarification on trail length, construction and the layout of the trail. He asked for support of planning commission on this project.

Dennis Magadanz asked if the soccer association brings in any tourism because that may bring up the tourism scoring of the grant. Mr. Murray stated that is a good point and will bring it up.

Estelle DeVooght asked if these trails are already constructed. Mr. Murray stated that they are not formal trails, only footpaths.

Steve Kinnunen stated that if this could be made into a cross-country ski path, and if so, that would certainly increase the points. Mr. Kinnunen also asked about the time deadline.

Mr. Murray stated Oct. 1 is the deadline.

Al Denton said a lot of people from Marquette County play on the Chocolay Township soccer fields.

Mr. Murray stated that it was written into the grant that our fields serve approximately 42,000 people.

Ken Tabor moved, Steve Kinnunen second, to recommend that the Township Board support the follow-up on the application and allow staff to respond to the MNRTF grant coordinator by Oct. 1, 2006 and provide the supplementary trail information as reviewed by the Planning Commission.

6 Ayes, 0 Nays. Motion carried.

C. Additional Item: Request for 30 Day Extension for the Ewing Pines Subdivision (formerly Elderwood Subdivision)

Mr. Stachewicz said this is formerly the Elderwood Subdivision and the last extension was asked for in August of 2005. Mr. Stachewicz presented Planning Commission with a written letter and is recommending that the Planning Commission support an additional 30-days for preliminary approval.

Steven Kinnunen moved, Ken Tabor second, to recommend that the Chocolay Township Board approve the request for a 30 day extension to the preliminary plat approval for the Ewing Pines (formerly Elderwood) Subdivision. 6 Ayes, 0 Nays. Motion carried.

VII. PLANNING DIRECTOR'S REPORT

Mr. Stachewicz said he didn't have anything to report.

VIII. PUBLIC COMMENT

None.

IX. COMMISSIONER COMMENT

None.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Information- City of Marquette Planning Commission Minutes- 08/01/06
- B. Information- Marquette Township Planning Commission Minutes- 06/14/06, 06/28/06, 07/12/06, and 07/26/06.
- C. Publication- *Planning and Zoning News*

XI. ADJOURNMENT

Meeting adjourned at 8:00 p.m.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, October 9, 2006
7:30 P.M.

Present: Dennis Magadanz, Al Denton, Estelle DeVooght, Steve Kinnunen, Tom Shaw, Ken Tabor,

Absent: Scott Emerson

Staff: Tom Murray (Community Development Coordinator) and Rebecca Stachewicz (Recording Secretary)

I. PUBLIC HEARINGS

A. Superior Pines Condominiums—Rezoning to Planned Unit Development and acceptance of a Preliminary Development Plan

Thomas Johnston, 343 Kawbawgam Road, said he has lived at residence for the past 13 years, and he moved there because it's a rural, quiet environment. He said there is a battle for water there though, and he stated his fear that his well will dry up if this condominium project goes through. He stated this board should provide protection to keep this from happening, and hopes that they do just that.

Don Rudness, 323 Kawbawgam Road, said he's lived there since 1973 and had a new well installed in 1989. Then last summer it almost went dry because of the dry weather. He said that he was told by the well digger that he wasn't the only one this was happening to, and was told that all they can do is pray for a lot of precipitation. He said he cannot afford for his well to dry up and to have to replace it again.

Shawn Campbell, 212 Kawbawgam Road, said he also had to put in a new well a few years ago because the previous one dried up. He said that the casino has already caused the water levels to go down. He also stated that he likes living in the rural area and hopes it stays rural.

Dennis Tryan, 315 Kawbawgam Road, said that his well only sits at 32 ft and the deeper you go, the worse the water gets. He said that he wants to know who he goes after if his well goes dry if this new development goes in. He said he wants a guarantee that this won't happen, but wants to know who is responsible if it does.

Janet Amundsen, 2029 E M-28, said she put in new well just this year, and asked the commission not to allow any more development until developers build a retention pond. She related Chocolay Township to a Chicago Suburb that her family moved from many years ago. She also stated that at 40 feet down you will get good water; at 100 feet down, the water is poor but treatable, and any lower than that, its not safe at all. She said that everyone has a right to build on their own property, but they don't have a right to contaminate the water that everyone uses. She referred to Fred Benzie from the Marquette County Health Departments (MCHD) and that he stated in the Mining Journal that the water available is of good quality. But she wants to know how do they measure the quantity of the water available. She asked the commission to get an answer to that question.

Patrick A Barnett, 1971 M-28 E, stated that he is a licensed attorney and he encouraged everyone present to speak against this project. He said that they vote for the leaders of the Township, and they will use the power of recall if necessary. He asked for a show of hands for people who oppose this project and then asked for people to show hands who support it

Gary Loehr, 1975 M-28 E, said that he was at the April 10 meeting also. He stated that he has water concerns like everyone else. He said there are a lot of questions that he doesn't believe that the MCHD has answered, like if the condos would be rented out to people using snowmobiles in the winter, which would cause a whole new range of problems.

Elizabeth Delene, 232 Kawbawgam Road, said she has lived there for 6 years and she is already on her second well. She asked for a feasibility study before this project happens

and also stated there are already a lot of homes already for sale in Chocolay Township that aren't selling which should be addressed before more are built. She said that she is also concerned about sewer problems and ecoli problems like in Big Bay.

Judd Johnston, 1943 M-28 E, said he has a young family and he chose to live in Chocolay instead of Marquette because of the ruralness. He said that the casino was already illegally built and he doesn't want that situation to happen again.

Connie Barto, 1951 M-28 E, said he has lived there for 25 + years and every few years or so she comes to protest zoning issues. She stated that she also had to get a new well after the casino came in. She also said wants to keep the area residential, and just wants to make sure that the area doesn't get zoned commercial. She said they don't want this to be another Traverse City.

Dennis Tryan asked about how deep the casino went for their well. It was stated that the casino does not serve water from their well for drinking, that they only use bottled water.

Mike Nelson, 1849 M-28 E, said he used to own 1887 M-28 E also, but sold it because he couldn't get any water there. He said he wonders how far the water problems are going (distance wise). He said he takes responsibility because he built there when he knew there were water problems. He said he thinks that putting more units up are problematic knowing what they do about the water in the area.

Bob Cambensy, 306 N. 6th St., Marquette, said that he is doing some of the engineering for Dr. English. He stated that both wells Dr. English already drilled are 125 deep, that it is the more shallow ones that have the problems. He said that its well-known that the shallower ones have the better water quality though. He explained that the well logs show soil levels (sandy clay layer and clay layer) are present, which is adequate for drilling. He recommended that people talk to Chuck Thomas at the DEQ office in Gwinn for expert information on the water issues.

Glenn VanNeste, stated that he is a surveyor and doing some design and layout on this project. He said that there is a 1-acre minimum per house, and it's a site condominium, there won't be a giant apartment building or anything like that. He said that this development agrees with what has been agreed upon in Master Plan. He said there will be 41 houses maximum in the development.

Patrica Kauppila, 8 Red Fox Trail, asked for experts to come in and explain the water issues to avoid fights. She said that Dr. English wants to do this project but he lives and works in Marquette, so the water won't affect him like it will the people who actually live there.

Dr. John English, stated that he has been a property owner in Chocolay Township for 41 years, so he is not an outsider.

Patrick Barnett stated he is a licensed attorney and that the County won't be held responsible for their bad water, but Dr. English's corporation will be. He said that if there are not any assets in the corporation, there won't be any place to get reimbursed from.

Glenn Barto, 1951 M-28 E, asked if there will be financial provision if there are losses.

Tom Murray stated that the question about financial provisions / reimbursement is one that the township attorney will have to answer.

II. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 8:05 p.m.

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2006 MEETING

Al Denton stated that there was an error on Page 2, seventh paragraph down. It should state, "Mr. Kinnunen asked about the trash holding receptacle. Mr. Uren said it will be covered with a partial wall." Mr. Denton also pointed out a couple other typographical errors.

Estelle DeVooght moved, Dennis Magadanz second. Ayes 6, Nays 0. Motion approved as corrected.

IV. **APPROVAL OF AGENDA**

Al Denton stated they wouldn't take up a new agenda item after 10 p.m.

Estelle DeVooght moved, Dennis Magadanz second. Ayes 6, Nays 0. Motion carried.

V. **PUBLIC COMMENT**

None.

VI. **OLD BUSINESS**

None.

VII. **NEW BUSINESS**

A. **Consideration of Superior Pines Condominiums-Recommendation on a rezoning to Planned Unit Development and acceptance of a Preliminary Development Plan**

Tom Murray stated that this is a 3-part process. He said this is the only public hearing that will be available, and the vote tonight by the Commission is only to recommend the plan to the Township Board. He said then it would then go on the November Township Board agenda. He said the public is invited to review any info they have in the office and to contact Fred Benzie at MCHD with any further concerns. He also stated that he has 8 letters submitted in writing in opposition to the project.

Mr. Magadanz asked about County Rd BAA and if there have been conversations with the County Road Commission about moving it.

Glenn VanNeste said they have met with the Road Commission and they have approved it relocated as shown on the map.

Mr. Denton asked for clarification on how many units will be built. Mr. VanNeste said there will be 41 units..

Mrs. DeVooght reiterated that these site-condos are just normal sized houses and that people are blowing it out of proportion, thinking they are huge buildings.

Mr. Denton asked about total acreage that will be covered. It was stated that 26 acres will be used and only 4 deep wells will be drilled.

Mr. Kinnunen said that he wondered about the project's water usage rate will compare with the water usage rate at the casino. He said that will be a good comparison and would like to find someone to find that out for them.

Mr. Kinnunen said that the Superior Watershed Partnership wrote a letter offering their assistance. It stated that they are concerned about quality and quantity issues associated with this project. Mr. Kinnunen stated that he is leaning towards more research being done on the project and he urges more review before they make a decision.

Mr. Shaw said he agrees that more research needs to be done, that the water questions need to be answered.

Mr. Denton said that that the water quality according to the MCHD is good and treatable.

Mrs. DeVooght said they need some expert advice.

Mr. Tabor said he would like some authoritative advice also.

Dr. English said large families just aren't common any more, so the number of people per house will be small. He stated that the homes being proposed small in square footage, ranging from 1200-1600 sq ft.

Sunday Waldon, 2052 M-28 E, asked if they could come back next meeting with answers. Mr. Denton said they would let them know after they vote.

Don Rudness said people don't have problems with the word "condominium" but only with the water issue, and they want guarantees.

Mr. Kinnunen stated that as far as development goes, it seems good, and he supports it, but the water issues need to be cleared up.

Steve Kinnunen motioned that the issue be tabled, and to find out about usage rates. Ken Tabor second. Ayes 6, Nays 0. Motion Carried.

A gentleman asked about bringing Lake Superior water to the Township. Mr. Magadanz stated it would cost \$14 million for them to do that.

Mr. Denton asked Mr. Murray to arrange professionals from MCHD and DEQ to be at next meeting to discuss water issues.

B. Consideration-Ewing Pines Subdivision-Final Plat

Tom Murray read the memorandum to the public, stating that Mr. David M. Dausey, of Green Ventures Development, LLC, has requested a final plat review of the Ewing Pines Subdivision formerly known as Elderwood Subdivision. The most recent Township action on this issue is the 30-day preliminary plat extension granted by the Township Board on September 19, 2006, which will expire on October 18, 2006.

Mr. Denton asked if the County Road Commission has looked at the cul-de-sacs in the plan. Mr. Dausey stated that everything has been approved and should have a signed copy in a week

Dennis Hendrickson, 136 Veda, said he owns a 4-acre lot adjacent to the Ewing subdivision that he has a drainage problem. He said his house is on high ground, but in the spring his property retains a huge amount of water. He said he would like the new subdivision draining system to connect with the current draining ditch that is already in place. He would like to see an engineered outflow of water in to the drainage ditch, and he has an engineering background so he knows this can be done. He stated that he doesn't have anything against the development, but wants to make sure the water runs through their land and doesn't end up puddling up in his. He said there is basically a dam causing the water to end up in his property. He presented the board a map, which showed his property in relation to the subdivision and showed where the water problem was.

Mr. Magadanz asked if he is referring to the drainage behind Oliver Burn's property. Mr. Hendrickson said yes.

Mr. Denton asked him to show the connecting solution he was proposing on the map. Mr. Hendrickson did as asked.

Mr. Dausey stated research has been done on this, and approval has already been given.

Mr. Murray said he wished that this issue were brought up to him earlier, because he would have had someone else look at it. Mr. Murray stated that the County Drain Commission would have the final call on this.

Mr. Shaw said that this seems like a good subdivision, but there can't be dams that stop water flowage.

Mr. Magadanz said that he saw that the Department of public works had a question regarding sewage system, that they requested map. It was stated it was stated it was given to him and all that was taken care of. Mr. Magadanz also asked if there were lead locators. And the answer was that "yes, there was."

Steve Kinnunen moved, Ken Tabor second, that the Charter Township of Chocolay Planning Commission recommends that the Township Board approve the Final Plat of the Ewing Pines Subdivision as presented. With the condition that the Drainage Commissioner is allowed to review and provide for a correction on the natural flow of storm water.

Ayes 5, Nays 1. Motion Carried.

VIII. PLANNING DIRECTOR'S REPORT

Mr. Murray stated that they received 7 applications for the open planning position. He said the selection process will begin next week, and hopefully have a replacement set in the next 2-3 weeks.

IX. PUBLIC COMMENT

X. COMMISSIONER COMMENT

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Recreational Authority/Proposed Articles of Incorporation
Recreational Authority/Proposed Bylaws
- B. Dennis Stachewicz / Letter of Recognition
- C. Road Ranking Report / Recommendation to the Township Board
- D. Marquette Township Planning Commission Minutes- 8/9/06, 8/17/06, 8/23/06, and 8/30/06
- E. Marquette City Planning Commission Minutes- 8/15/06

XII. ADJOURNMENT

Meeting adjourned at 9:00 pm

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, November 6, 2006

7:30 P.M.

Present: Steve Kinnunen, Al Denton, Tom Shaw, Estelle DeVooght, Denny Magadanz, and Scott Emerson

Absent: Ken Tabor

Staff: Tom Murray (Community Development Coordinator) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:34 p.m.

II. APPROVAL OF THE OCTOBER 9, 2006 MINUTES

Tom Shaw moved to approved minutes, Denny Magadanz second.
Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Tom Murray said he would like to add "Zoning Ordinance Update" under New Business. Steve Kinnunen moved to approve the agenda with addition of VII, Item C, Zoning Ordinance Update.
Tom Shaw second. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road, said a disturbing thing going on in the Township, and he is present to make the Planning Commission aware of it. He said there are two items he is concerned with. The first is the recent site condo project on Main St. and U.S. 41. He said Arlene Hill, Gregg Seppenau and the Township Board are denying him access to those plans, and he filed a Freedom of Information Request on August 8, 2006, but Arlene Hill never responded. He said first part of November he finally looked over site plans and found a problem. He said he's tried to talk to Randy Yelle, but his letters are intercepted, and he isn't getting any answers. He said he doesn't believe that site plans meets the Township Ordinance, and he thinks the Township Board will cover up the discrepancies. He requested that this issue be on the next Planning Commission agenda.

Mr. Maki stated that his second concern deals with the Kawbawgam Road project, the Dr. English plans. He said the Township made an agreement to sell land to Dr. English with an agreement that if he doesn't get the property rezoned he will get his money back. He said that is not proper planning practice. He said the Township Board doesn't like to follow the zoning ordinance. He asked the Planning Commission to do something about it and not to hide.

Gary Loehr, 1975 M-28 E said he still has questions about the Superior Pines / Dr. English project. He said they asked for more information last meeting and wanted to know if answers were available.

Tom Murray explained that water depths and recharge rates of the aquifer is what is being questioned. He said that they developer knows that he needs to come back with engineering information on the water issue, but they don't plan on seeing more info until December. He said that the public will be given the proper notice when it comes back up for discussion.

Gary Loehr said that this is like asking the "fox to watch the hen house" if the Township is asking the developer to bring in information from their own engineer. He said it is a conflict of interest.

Al Denton stated that the Dr. English project is not on the agenda tonight, and that the public will be informed when it is.

Elizabeth Delene, 232 Kawbawgam Road, said she filed a police report, because Dr. English was trespassing on her property. She said she confronted him and he lied and said he was hiking. She said she asked him to leave, but he didn't. She said that she is still concerned about the water, and water studies have been done previously and they haven't been looked at.

Al Denton said that no reports have been submitted to them concerning the water.

Scott Emerson asked if objective, hard data, on this water would be made available to them.

Mr. Murray said it would be up to the developer to bring the info to the table.

Mr. Emerson said that an objective 3rd party assessment would be good to get.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

A. Site Plan Review – Moyle Development

Mr. Murray said that the commission packets contain the plans for the Moyle Development. He said he had compared the plans with ordinance requirements and he did not find them to be out of compliance. He went through the report and stated that parking, dumpster/screening, lighting, snow storage/drainage, and utilities all seem to be adequate and in compliance with the ordinance. He stated that the lighting standards may not exceed 30 feet in height.

Brian Savolainen from TriMedia Consultants introduced himself as the Civil Engineer on the project, Kevin Geshel, Director of Development for Moyle Development and Tom Helminen were also present.

Brian Savolainen said he's had several meetings with MDOT concerning this project. He said the whole site is zoned commercial. There will be a deceleration lane coming into the site, and a bump out for cars turning left. He said that Holiday Gas and Togo's have agreed to allow a frontage road to allow access to the businesses.

Al Denton asked where the well is at on the property.

Mr. Savolainen stated it is located in the far SE corner of property, more than 800 feet from any potential contamination, as required. He said it has been reviewed by the Health Department and has been approved.

Al Denton asked about signage on the property.

Mr. Savolainen said there will be stop signs, and he said that all signage will meet the ordinance.

Mr. Savolainen said that being a single story building, everything will be under the 30 foot height limit. He stated all lights will be down-lit fixtures. He explained that Togo's in Marquette and the Harbor Hills sites have the same type of fixtures that they will use on this project. He said the lights will have a 3-foot base that will withstand any snow plow abuse.

Scott Emerson asked if power will be under ground.

Tom Helminen stated that they aren't sure on that yet, the at the site is on the border of the R.E.C. and B.O.L.P. electrical districts and that he is still waiting for an answer and that he hopes to have it soon.

Mr. Emerson said that some people over look importance of landscaping, especially in the winter months. He said that he recommends 4 evergreen trees to be planted, 2 white

spruces and 2 blue spruces. He showed on the map where he suggested they be planted. He said that having something substantial in the core would keep it from looking bleak in the winter and help with the aesthetics.

Mr. Emerson said he is not clear where the access road is being proposed.

Mr. Savolainen said there will be 2 connections, one in back of Togo's that will loop around the properties.

Tom Geshel said that the idea is to have all the retail businesses work together, and make the businesses want the road to be there. He said that Togo's and Holiday Gas owners are very happy to be working with them, and agree that the traffic should move in a continuum.

Mark Maki looked at the map and said he didn't think the map was accurate, but he is not sure. He said they need to watch parking spaces and required green spaces.

Tom Murray said that current access road at the entrance of the race track is on the MDOT right-of-way. He said they have to talk to those owners to move that access point out of the right of way.

Mr. Emerson asked if road will connect in front of Togo's or in back.

Mr. Geshel said it would connect in the back.

Tom Shaw asked about removing parking spaces at Togo's, but said he appreciates the flow of traffic through the area.

Mr. Geshel said there will be plenty of parking and the ordinance will be followed.

Al Denton asked Tom to find out the parking space requirements at Togo's.

Mr. Savolainen and Mr. Geshel explained that they are working closely with the owners of Togo's and Holiday Gas and there is not any hostility between them.

Elizabeth Delene asked the developers to explain potential problems with wetlands.

Mr. Savolainen said they will talk to the DEQ and obtain any permits needed if they build on any wetlands.

Mr. Emerson said that it will be important for them to preserve the trees along M-28.

Mr. Savolainen said they will keep any that are 3 feet or further from the road, which he thinks will be most of them.

Steve Kinnunen said that for every tree they take out, they should replace one.

Mr. Geshel explained that they don't refer to this development as a strip mall because of negative connotations related to that. He said they like the trees, they like the current landscape in that area and have learned from other's mistakes. He said this project will have an original feeling, that there will be 3 different façades, each business will have an individual feel, unlike a strip mall. He said they want to do a good job and make the Township proud of the development

Estelle DeVooght asked for clarification on where the roads will be, wants to know where the vehicles will be coming in and out.

Mr. Savolainen showed the Commission closely on the map. He said the current road exiting to the Holiday driveway will be moved 50 feet back and it will serve more as a classic frontage road.

Mr. Emerson asked them please make sure to save the big white pine tree that is located there.

Mrs. DeVooght said they don't own that property where they are proposing the road, and doesn't understand how this is possible.

Mr. Geshel said they know they don't own it, but they are talking to the property owners about getting an easement and have verbal approval already and once it is approved by the planning commission will go to them and get the legal approval.

Mr. Savolainen said they working with Jeff Rautiola and Arron Johnson, MDOT engineers on this

Tom Murray said he took this to the corridor committee already and it was and approved. He said that all parties at MDOT assured him that it is a good project.

Mrs. DeVooght asked that once the project is approved, how could they be assured that the road is actually placed where they see it on the plans.

Mr. Geshel said again that the owners have verbally approved the plans, but once the Commission approves it, they will then take it to the landowners for legal easements and approval. He said the landowners know that the best thing for their business to do this. He said that if plans change at all, they will have to come back for a new approval.

Mrs. DeVooght said she has qualms on making a final approval tonight, in case something goes array and they decide to change the plans.

Mr. Kinnunen advised Mrs. DeVooght that if anything changes they will have to come back if anything changes.

Mr. Geshel said the restaurant chain proposed to come is not a competitor to Togo's. He said that the project can only help Togo's.

Mr. Kinnunen stated that MDOT needs to allow the Township the proper signage for the restaurants to bring people through the area. To help steer them down the access road to help these businesses thrive.

Mr. Geshel said they haven't talked about that much yet (the highway signs) but their signs on the buildings will be very elegant, not big, huge ones. He said though signs can be challenging with the amount of snow we get here, and that they will make it work.

Scott Emerson moved to approve the final site plan as presented with the noted additions:

1. Four additional spruce trees be added to the landscaping per discussion.
2. Every attempt be made for underground power
3. Every attempt made to locate the access road in front of the trees and save any trees possible.
4. Any trees removed need to be replaced by a 1:1 ratio

Staff was requested to ensure that the required parking for Togo's would not be affected by the access road.

Steve Kinnunen seconded motion.

Ayes 6, Nays 0. Motion approved.

B. Road Rankings- Recommendation to the Township Board

Mr. Murray said that this is his first time working with road rankings, and he is looking for guidance on the procedure from the Planning Commission.

Mr. Denton said Wright St is traveled a lot and deserves to be fixed and Terrace St (East and West) also should be fixed. He thought that Main Street could use work also, but that it should wait until the condominiums are completed.

Mr. Magadanz said that CR-545 is a County road and on County road rankings. He said they will probably take care of it themselves and that it doesn't need to be on the Township rankings.

Mr. Magadanz asked Mr. Murray to get the County Road Ranking list from Martin in Public Works to compare the two lists, because there could be a lot of duplicates.

Al Denton said he recommends fixing Terrace St (East and West), W. Wright Place and Riverside Road.

Mrs. DeVooght asked about Shot Point. Mr. Magadanz said that would be very expensive.

Mr. Kinnunen said some roads on the list are kind of far out and not as heavily traveled and that they should concentrate on the main traffic.

Scott Emerson moved to approve the road rankings starting with Terrace Street West as #1 priority, Terrace Street East as #2 priority, and West Wright Place as #3 priority and the rest as listed. Add South Big Creek at the end and CR-545 removed from the list.

Steve Kinnunen second. Ayes 6, Nays 0. Motion approved.

C. Zoning Ordinance Update

Mr. Murray said that Pat Coleman from U.P. Engineers and Architects (UPEA) is working on the zoning ordinance update, but that it got behind schedule because of an illness in the family. He said that Mr. Coleman plans to be at the December Planning Commission meeting to give an update and answer any questions.

VII. PUBLIC COMMENT

Mark Maki, said requested copies of letters from Dennis Stachewicz and Randy Yelle concerning the zoning ordinance updates sent to Pat Coleman, but he hasn't seen them. He said he is asking the Planning Commission letters to get them for him.

Tom Murray advised Mr. Maki that should go through the Township Clerk or Supervisor for that information.

Elizabeth Delene asked where Carmen Road by A&W is on the road ranking lists, because it isn't a very good road. Mr. Magadanz advised her that is it on the list but not in the top 10.

VIII. COMMISSIONER COMMENT

Steve Kinnunen said that the Moyle project they approved tonight looks good and it is good to see that kind of development in Chocolay Township. He said it doesn't look like it will look like a classic strip mall, that it will look individual and special to the community.

Estelle DeVooght asked if it's on the record that Tim Hunt was sent a letter at all about the Bayou Court project. She said she wanted to know if he was ever sent notification, because he says that he never received anything.

Tom Murray said that a notice may have been sent regarding a prior zoning change but that the site plan review process doesn't require a public hearing or notification.

Steve Kinnunen said they came in awhile back, 1 or 2 years ago, to be rezoned to commercial, but it was denied. He said that Mr. Hunt probably got a letter then.

Mrs. DeVooght said she is looking to see if we can prove that he got one.

Tom Murray said they could look to see if anything is on the record.

Scott Emerson said he also heard that other neighbors are upset over this site condominium project.

Mr. Murray read section 216 A. 1. that states that site condominiums may be located within all zoning districts. He said that people are allowed to develop their property as permitted by the ordinance.

IX. PLANNING DIRECTOR'S REPORT

Mr. Murray said that Jason Laumann will start as the new Director of Planning and Community Development on November 27th, 2006. He said that Jason is coming from the Coastal Management Division, located in northern Wisconsin and the agency is equivalent to CUPPAD. Tom stated that he is very knowledgeable in Planning and GIS and should be

an asset to the Township. Mr. Magadanz asked Mr. Murray if the new Planning Director plans to put the sewer system on the GIS system. Tom said he isn't sure at this time, but hopes so.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. 2007 Budget Review

Mr. Murray apologized for not presenting the budget at the October meeting and outlined that the budget includes a \$10.00 per diem increase per meeting and an increase for printing and publishing. Mr. Shaw asked about the other Township salaries compared to Chocoday's. It was answered that others may be a little bit higher. Mrs. DeVooght said she didn't think they needed a raise; she does it to serve her community.

XI. ADJOURNMENT

Meeting adjourned at 9:03 by Al Denton.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay Planning Commission Meeting

Monday, December 11, 2006, 7:30 P.M.

Present: Chairman Al Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Ken Tabor, and Scott Emerson

Absent: Steve Kinnunen

Staff: Jason Laumann (Director of Planning and Community Development), Tom Murray (Community Development Coordinator) and Rebecca Stachewicz (Recording Secretary)

I. MEETING CALLED TO ORDER / ROLL CALL

Al Denton called meeting to order at 7:30 p.m.

II. APPROVAL OF THE MINUTES OF THE NOVEMBER 6, 2006 MEETING

Estelle DeVooght moved to approve 11/6/06 minutes. Scott Emerson second. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Scott Emerson stated he has a brief letter concerning residential zoning he would like to read and have brief discussion. Al said the will make it item "C" under New Business

Denny Magadanz moved to approve agenda with the addition of VII, Item C. Scott Emerson second. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC HEARINGS- none scheduled

Phillip May, 425 Lakewood Lane, said he didn't remember how things work here, but concerned about condominiums that may come into the area on Kawbawgam Road in the future. He would like it on an agenda in the future.

Tom Murray said he spoke to Mr. May about this on the phone already. He said there would probably be a public meeting in the future concerning this subject. He stated that the existing condo ordinance allows for condos in multiple zoning areas.

Mr. May said he understands that a person can't have rental units in a R1 area. Mr. Murray said you could have a rental unit as long as it is a single-family home. He stated that Tee Pee Village is a non-conforming use.

V. OLD BUSINESS

A. Discussion / Update Rezoning #139, Superior Pines PUD

Tom Murray stated that Glenn Van Neste and Bob Cambensey are present to give update. Mr. Van Neste said there is a misconception about site condominiums, that they are just a subdivision by another name, with an association. He said it looks just like any other subdivision, but this particular one is a PUD. A PUD is a type of zoning and it is negotiable and expected to go back and forth. He said the word condominium riles people up. He said they would try their best to answer all questions.

Al Denton gave overview of project. He said there are 40 acres total, about 20 will be developed, and right now it is zoned R1 and there will be about 1 acre per home.

Mr. Van Neste said there is actually more than 40 acres total, and that the first phase equals about 40 acres.

Mr. Cambensey said they are working with the Health Dept & DEQ and well tests have been done. He stated that the wells were monitored, samples sent to state labs for analysis,

the soil was also tested, now they are in discussion with the County Health Dept. and the DEQ and that they are putting it all together for submission. He said they should have results before they ask for any further approval.

Chairman Denton asked if it has submitted to the Township yet. Mr. Cambensey said not yet, but that it will be given to the Township once it is all submitted to the Health Dept. and DEQ.

Estelle DeVooght asked about the quantity of the water in the aquifer.

Mr. Cambensey said that is part of what they are testing for but the results have not been compiled as yet.

Mr. Emerson talked about the letter written to Mr. Murray stating there is no direct connection between the two aquifers. He said he also wanted to know the water data from KBIC report. He wondered why nobody could obtain that report.

Tom Murray said he has the report. It is a large document and it can be available to anyone who wishes to review it.

Mr. Emerson stated it would be good for the hydrologists to see the report. He said they need to be prepared for possibility or requiring a scale back of the development if the water tests don't come back as needed.

Ms. DeVooght asked if the KBIC water is treatable or not.

Mr. Murray stated it says it is high in iron content but treatable.

Pat Coleman of U.P. Engineers and Architects asked if the development is proposing central wells.

Bob Cambensey said that was the initial proposal, but after further discussions it now looks like there will be individual wells.

Scott Emerson agreed that there is a misconception about site condos. He said they are actually a very good form of development, there is a clustering of residents and open space is conserved. He said this would preserve rural character of the area.

Mark Maki, 370 Karen Road, stated that useful open space comes from the zoning ordinance, not the site condo act.

Glenn Van Neste said the KBIC has been so secretive through this whole process and was surprised that they now made the study available.

Mr. Denton said he just called them and asked for it and then went to pick it up, and it wasn't a problem at all.

Mr. Van Neste said the houses on Kawbawgam with water problems are on considerably higher ground than the ones in this development. He said the wells won't even be in the same aquifer.

Mr. Denton stated that three years of low precipitation has probably contributed to the low water levels in the area.

Mr. Van Neste said they would be back after everything is submitted.

VI. NEW BUSINESS

A. 2007 Proposed meeting schedule

No structural changes. Meetings will be every second Monday, unless there is a conflict with a holiday, and the November meeting will be moved up one week because of deer hunting season. The 7:30 meeting time will remain the same.

B. Zoning Ordinance update progress report—Pat Coleman UPEA

Pat Coleman stated there is still a lot of work to do and a number of public meetings remain. He said he had a good meeting with staff earlier and that he has met the new Planner. He said that Randy Yelle has been very helpful with suggestions. He said Mr. Yelle has historical knowledge that is valuable in a project like this.

Mr. Coleman said a big change would be re-organizing the ordinance. He said staff is in favor of organizing it into new chapters. He said not a lot of other work has to be done yet, that he is working on organizing it right now, but would like the Commission's comments and opinions. He said the Hwy. 41 Corridor Team has goal of getting all of the municipalities along Hwy. 41 to adopt the same access management ordinance. He stated that MDOT says the corridor as a whole is leaning towards using Marquette Township's ordinance, which seems overwhelming with all of its sketches and pictures. He said when the team reviews problematic issues along Hwy. 41 using this ordinance, it all becomes very clear and useful.

Mr. Coleman stated that the current ordinance is weak on definitions. He said definitions make things clear for everybody, the more there are, and the better off everyone will be. He said there a lot of them to add.

Mr. Coleman gave a handout concerning map changes. He said there is a number of residential districts and that the master plan recommends consolidation. He said the big thing would be to make 50-foot lots in the Village of Harvey conforming. Mr. Coleman said that Randy suggested additional recommendations for private roads, cul-de-sacs, fences, snow management / storage, and waterfront lots written into ordinance.

Mrs. DeVooght asked about how open space will be affected.

Mr. Coleman said he is recommending what was suggested by the master plan.

Mr. Coleman asked if it was agreed to reorganize the ordinance, and if so, he will work on it and have it ready for the next meeting.

Mr. Emerson said that he is concerned about section 200, and that daycare centers should be restricted to R2, R3, and R4. The new ordinance said it is allowed in all zones, and he doesn't think that is right. He said he believes an error was made in master plan. He said he didn't think day care centers should be allowed in a single-family residential area

Scott Emerson said he was also concerned about water front property being rezoned to C1. He advised that this be looked at. He stated he doesn't want waterfront property to become commercial, for things like fish markets, etc. He said he has a letter that he will give Mr. Coleman concerning this topic.

Mr. Magadanz pointed out a definition error on page 23 of the ordinance.

Scott Emerson commented on comprehensive plan section 9.5. regarding transmission towers. He said that he has personal contacts with the state police and emergency workers and knows that the 800 MHz systems they have know is not working as well as they hoped, and that they will soon need additional towers. He said they are looking at Green Garden Hill for a tower and that the Township need to get ahead of this issue to get around any negative aesthetics. He said they wouldn't be able to say no to the State Police if they decide to do something like this, but they may be able to try to make it look better.

Mr. Coleman said it is a good idea to get ahead of that issue, but it is hard to overcome tower issues. He said it is becoming one of those essential services. He thanked Mr. Emerson for the helpful comments.

Mr. Denton asked if windmills, towers, outside boilers, stoves will be addressed. Mr. Yelle and Mr. Coleman said that they would be.

Mr. Denton asked if "keyhole" water access and flood plains would be addressed.

It was agreed that they both would be addressed.

Mr. Coleman asked about the Access Management Ordinance, and if there were presentations to Chocolay Twp. about the positive uses?

Tom Murray stated there hasn't been a presentation thus far.

Mr. Coleman said that basically any parcel on Hwy. 41 would be allowed one driveway; any site over 600 ft will be allowed one additional access point.

Mrs. DeVooght said in her years on the Planning Commission, they've turned down a lot of driveway requests, but the Road Commission comes along and allows them anyway.

Mr. Coleman said that would be changing; the Road Commission wouldn't be able come along and grant extra driveways, that the ordinance will stop it. He said the Corridor Management Team will review all building permits and it will then go to the Planning Commission.

Mr. Emerson said that the color scheme on the zoning map was hard to distinguish and he suggested doing something different.

Pat Coleman said he talked to staff about that today, and that will be changed. He said there is a standard color scheme that is used, and they will go with that.

Mr. Coleman commented on the condo situation. He said if you look at demographics, ages are increasing, and that they have different housing needs than in the past. He said condominiums are just a point of ownership, they will want to make sure that zoning provides housing for everyone.

Mr. Emerson said there is a lot of interest and sensitivity to this issue and people want to make sure R1 remains that way.

Mr. Coleman said condominiums and the PUD process are really the only way to conserve open space. He said it is also quicker way for the developer.

Mr. Emerson clarified that if somebody wanted an area to allow for multi-family units, a public hearing and approval would be necessary through the PUD process.

Mr. Coleman said that is true, and that the zoning ordinance will prevent duplexes and other multi family homes in a single family district.

A resident (Judy, of Lakewood Lane) asked about the zoning ordinance process and for further explanation of site condos. She said that she has lived in the area for almost 30 years, and that it is important to preserve waterfront property and the current water and land resources.

Mr. Coleman and Mr. Murray further explained the site condominium process.

C. Scott Emerson letter

Letter read earlier in previous part of meeting.

VII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, said he wants to bring shame to the Township for not sending a packet to him as requested. He said there is another problem with the Bayou Project. He said the Township refuses to acknowledge / respond to his concerns, and instead he is intimidated and harassed. He said he wants a copy of the appeal process to file an appeal. He said his mail is censored and his letters don't get through to their intended recipients.

Mr. Denton said that neither himself nor anyone else on the commission knows of any cover-up. He said all meetings are to open to the public and any further problems need to be taken up with the Supervisor.

Lee Blondeau, 340 N. Tracie, said the agenda and information packet was available, he took it at the beginning of the meeting and it was in his possession.

VIII. COMMISSIONER COMMENT

Mrs. DeVooght asked if there is a 30-ft set back from fence on the Bayou Court condos.

Tom Murray said he believed a 10-ft side yard set back is required, and that is what they have. He stated he doesn't have the ordinance with him, so he isn't absolutely sure of that. The new fence was discussed; Mr. Hunt put it up, and not the Bayou Court developer.

Jason Laumann, the new Community Development Director was introduced.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Dr. T. Scott Emerson resignation and recognition
- B. MDEQ Water Bureau- Chuck Thomas, Ground Water Engineer
- C. USGS- Water Resources Inv. Report 00-4050 (Not Distributed)
- D. Chairman's recognition of Planning Commissioners duties and Board support
- E. Marquette City Planning Commission—11/14/06 Minutes
- F. Planning & Zoning News
- G. Marquette Township Planning Commission—11/14/06 Minutes

X. ADJOURNMENT

Meeting adjourned by Al Denton at 8:50 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary