

Charter Township of Chocolay Planning Commission Meeting

January 8, 2007, 7:30 P.M.

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

Absent: None absent

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

I. MEETING CALLED TO ORDER / ROLL CALL

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

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

Dennis Magadanz moved to approve the December 11, 2006 minutes. Ken Tabor second. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen motioned to approve agenda. Estelle DeVooght second. Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARINGS- none

V. PUBLIC COMMENT

Dave Cotton was present and told the Commission that he talked to Greg Seppanen and has expressed interested in joining the Planning Commission. He stated he has an environmental engineering background, regulating wastewater and wastewater withdrawal.

VI. OLD BUSINESS

A. Chocolay Retail Center frontage road / easements

Jason Laumann said that he didn't know much about this, but it is his understanding that the road has already been moved a bit, per MDOT request. He said he knows of no other problems or changes to the approved site plan at this time.

VII. NEW BUSINESS

A. Geographical Information System (GIS) Update

Jason Laumann gave an update on the GIS System. He said when he started working for the Township, he found ArcGIS on his computer. He said this is a program that will create maps and it also has more powerful functions. He stated that one of his first duties was to update the Township base maps. He stated that he is working on putting in new roads and new parcels into the system, and when it is complete they will have a parcel map for the Township. He explained they would be able to print a large planning map, zoning map and parcel map that they can use in planning discussions.

Steve Kinnunen asked if they are capable of getting satellite pictures of properties.

Mr. Laumann said that is possible.

Al Denton asked if the maps can show utilities such as water, electric lines etc.

Mr. Laumann said it has those possibilities, but it is a matter of collecting the information.

Mr. Laumann showed the different kinds of maps that the GIS System is capable of producing: elevation, soil, wetlands, water table, etc.

Mr. Laumann said that with some of the reference maps he would have to work with, the local experts (ex. soil engineer) would be able to see specifics for Chocolay Township.

Mr. Laumann said that he will help them work through the information, won't just throw it at them, but he feels it will definitely helped them in their planning decisions.

VIII. PUBLIC COMMENT

Mr. Cotton said that the GIS maps were interesting, especially the soil map. He said what is good in Chocolay, may not be considered good on a national level though and that they need to be aware of that.

IX. COMMISSIONER COMMENT

Al Denton said last meeting it was brought up that Green Garden Hill may be a possible spot for cell phone towers in the future and he had the State Police look into that issue. He said he received a letter, would like it included, or a portion of it, included with the minutes. The letter stated that soon all emergency officials would be using 800 MGZ technologies. He said they may have just heard one person's opinion last month, but it may not have been the truth. He offered to take anyone to the State Police station in Negaunee to discuss this information more, if interested.

Estelle DeVooght asked if the Township has received any more info on the water issued on the Kawbawgam property. Al Denton said he was under the impression that they are at a point where the developers are thinking about either cutting down the number of homes and/or making sure they all have individual wells, instead of shared wells as first proposed.

Mr. Laumann said he hasn't heard of any more updates on the water issues.

Mr. Denton asked Mr. Laumann if he has heard of any more problems with the Main Street / Hwy 41 development. Mr. Laumann stated "no."

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Marquette Township Planning Commission – 11/29/06

XI. ADJOURNMENT

Meeting adjourned by Al Denton at 8:00 pm.

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

Charter Township of Chocolay
Planning Commission Meeting
MONDAY, FEBRUARY 12, 2007, 7:30 P.M.

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

Absent: Dave Cotton

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

I. MEETING CALLED TO ORDER / ROLL CALL

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

II. MINUTES- Approval of the January 8, 2007 meeting minutes

Estelle DeVooght motioned to approve the January 8, 2007 minutes. Dennis Magadanz seconded. Ayes 6, Nays 0. Motion approved.

III. APPROVAL OF AGENDA / ADDITIONAL ITEMS FOR AGENDA

Jason Laumann asked that Pat Coleman be added to agenda to allow him to speak under old businesses concerning the zoning ordinance update.

Steve Kinnunen motioned to approve agenda with the addition. Estelle DeVooght seconded. Ayes 6, Nays 0. Motion approved.

IV. PUBLIC HEARINGS

- A. #139 Rezoning of property from “R-1” to “PUD” and consider the acceptance of a Preliminary Development Plan for a 20 unit site condominium project

Jason Laumann said he has reviewed this project and knows there are several questions. He stated this project doesn't fit into his definition of a cluster development. He said his primary concern is a density issue, how many lots that can be built under the current zoning regulations. He said that he also had concerns about the water issues. He said he talked to Fred Benzie, and has not received the site report from the developer, so he hasn't yet made a recommendation. Mr. Laumann said he thinks the Planning Commission should have that report from the County before making any type of recommendation.

Mr. Laumann said that the Township doesn't have any current standards in place for cluster design, but they are in the process of redoing their Zoning Ordinance right now and that will definitely be addressed.

Mr. Laumann stated he cannot make a recommendation without knowing the configuration of open space and what the density is going to be. He said a density bonus could possibly be used as a bonus or incentive for the developer to use a true conservation approach. He said to him, the current plan looks more like a cookie cutter approach than a conservation design. He said that open space needs to have some value, instead of just calling whatever is left over “open space.”

Mr. Laumann said he has several items that he pulled out of the comprehensive plan that doesn't meet this plan. He referred to page 10-3 in the comprehensive plan as an example.

Mr. Laumann said that he basically will need more information before he makes a decision one way or another.

Glenn Van Neste, who is working for Dr. English, reminded the commission that the comprehensive plan is not the zoning ordinance. He said they are proposing lots that will be a minimum 1-acre size. He questioned if they would even be having this

discussion if the proposal were a subdivision plan without a PUD. Mr. Van Neste said they need to be careful not to call this a conservation area, as that has a definition of its own. They are calling it a “green area” instead. Mr. Van Neste said he would like to have some flexibility to reconfigure the 14-acres of open space in the future. He said it may or may not ever come to that, but would like to keep that as an option. He stated that originally they were planning 39 units using 40 acres, and they have cut down the number of units in half from what they originally wanted to 20, 1-acre sites. Mr. Van Neste showed the Planning Commission two site condominium plans like this one for reference. He said the proposals are very similar and the commission passed those. He said the water issue is a hot topic and approval process is slow, but they plan to get the approval.

Mr. Denton asked why the full green area isn't shown on the plan. Mr. Van Neste said it's because of the flexibility that they are asking for with the space.

Mr. Van Neste explained that they are committed to making sure they have the full 14 acres of green space and would make sure its there. He said this is a PUD, a give and take situation, and they are just asking to accept it as is so they can get to the next step.

Mrs. DeVooght said she would like the see the green space throughout the plan, not just along the railroad tracks.

Mr. Kinnunen said part of the PUD approval is that the plan will be submitted the plan will not change. He said they want a plan that will be approved and not changed later.

Mr. Laumann said that there seems to be more that one plan/map that is being referred to. He said the map in the commissioner's packets is the one that's been submitted to the Township office.

Mr. Van Neste said once the proposal was scaled down to 20 units, they had not planned to include the 14 acres at all, because they were using 1-acre sites. But the Planning Director said they still needed the 14 acres in the plan, because it was in the original plan when they were proposing 39 sites. He said this didn't make much sense to him, but he still included the space along the railroad tracks but again, is asking for flexibility with that.

Mr. Laumann said the PUD idea was that this would be a cluster design development, not for it to be maximized out to full development of the total acreage.

Mr. Tabor said he wondered why they were not doing this as a subdivision instead of a PUD. Mr. Kinnunen said that the subdivision process is a long one with many steps, much longer than the PUD.

Steve Kinnunen made a motion to table the issue to until the Planning Director can get more info. Al Denton seconded motion.

Bob Cambensey said the soils are pretty much beach sand soil, and Fred Benzie said that if using individual septic systems, lots would have to be at least 1-acre in size. He said initially they were proposing four type-3 water systems and were allowed up to 10 housing unit per well, by the health department. But there were some issues concerning ownership of the wells and it wouldn't work in this condo setting. He said the suggestion was to go to individual wells, which they did. He stated that Chuck Thomas of DEQ sent a letter to the Township that said with individual wells, pump tests could be done, and they were. He said test pits for soil was also done. Mr. Cambensey said the big thing now is that they need to know for Health Department approval how many units they are going to be allowed. He said the wells will be 120-130 feet down, they are close to Lake Superior, the recharge may be from Lake Superior, and that is something the Health Dept. will look at. He stated that they took a water sample to Wayne Johnson at Aqua Care and has a proposal from them to treat the water at a price of \$3,000 per house. Dr. English is proposing that he will pay for the initial systems, but there will be an ongoing maintenance cost.

Mr. Laumann said the lots don't have to be so big and there doesn't have to be so many as to take up the whole area. He stated that the lots could be smaller with more open

space. Said a bonus can be offered to promote true cluster like development. He also stated that if the PUD is pulled, it would go back to being zoned RR-2.

Mr. Kinnunen read an excerpt from a letter written by Chuck Thomas.

Mr. Denton suggested some type of informal meeting between the developers, Planning Director, and Planning Commission.

A vote was taken to table the project until they have more info to make a decision. Ayes 6. Nays 0.

V. PUBLIC COMMENT

Dennis Tryan, 315 Kawbawgam Road, thanked the commission and the new Planning Director. He said he is just looking for protection, he is aware of laws about the well depth to prevent contamination and he stated that poor planning is probably what got them into this bad water condition in the first place. He wanted to know if Dr. English will pay for their new wells when or if they go dry.

Elizabeth Delene, 232 Kawbawgam Rd, stated that she has a copy of a water report and said it states that there are problems at all levels. She read part of the report citing bad water. She said she has a copy of a police report, stating that Dr. English trespassed in her backyard.

Don Rudness, 323 Kawbawgam Rd., apologized to board for his outburst earlier in the meeting. He said it is ludicrous that it was said that the water would be treated to the point that the owner can stand the water smell. He said his well is going dry because of lack of snow. He said this area is known to have bad quality water, and they know it is plentiful when they dig deeper, but that doesn't make it good water. He stated he's lived there for 23 years and many water treatment companies have been to his house.

Tom Lakenen, 108 Timber Lane, said he would like to share a personal experience he had with Dr. English some years back to protect others in the future. He said he and his younger brother built a retaining wall for him, made a hand shake agreement, and worked hard for 12 hours to finish the project in one day. He said in the end, Dr. English refused to pay and they went to small claims court. He said that the judge ended up siding with the Dr. English, simply because of who he his. He said he doesn't trust Dr. English.

Linda Rossberg, 1975 M-28 E., said the comprehensive plan shouldn't be dismissed, a lot of citizen input went into that, and she sees it as important as the zoning ordinance.

Patrick Barnett said it was good to see a lot of people here at the meeting. He stated that he has lived down the road for 20 years from Dr. English and never met him. He said he went for two months without water a couple of years ago and had to pay \$6,000 for a new well. He said that Dr. English will have no legal responsibility to them if their wells go bad.

Janet Amundsen, 2029 E M-28, said she moved here for the open space. She said she wondered if the Township will have someone look at the water issues, instead of someone paid by Dr. English. She said she has a neighbor who spends the winter in Hawaii and has sent letters regarding this project and she wonders what happens to them and if the Planning Commission ever sees them.

Mr. Denton said that the Township does refer to the County Health Dept. for views and advice on the water issues. He said regardless, they must give people an opportunity to develop their land. Mr. Denton said the Planning Commission does read all the letters that are received.

Nancy Rife, 202 Wanda Dr., said that she hasn't had to re-drill yet, but in 1990 her well would pump dry in 20 minutes, and now in 15 minutes, but these statistics aren't recorded anywhere.

Dennis Tryan asked what would happen to the power line that runs behind the houses. Mr. Denton said they don't know what would happen at this time.

Mr. Laumann said he received 6 letters from citizens all in opposition of the project, which are all in the commissioner's packets.

Don Rudness said that at the October meeting there was talk about getting a water expert in to discuss the water problems and wondered what happened with that.

Mr. Denton explained that it is the job of the Planning Director and seven Planning Commissions to obtain that information from the experts and disseminate it in an objective way. He said they do have the residents' best interests at heart.

VI. OLD BUSINESS

A. Pat Coleman, UPEA—Zoning Ordinance Update

Pat Coleman said as they pick away at the ordinance, they are finding more and more issues. He said that if they want to have conservation development in their zoning ordinance, they will have to work to make that happen. He said it is hard to do in the State of Michigan, but education of the developers is the key. He suggested possible seminars for the builders and developers some time in the future.

Mr. Coleman said he is happy with the zoning ordinance update so far, but does have some questions. One being, do they really have to regulate Mobile Home parks since they are already regulated through the State of Michigan and the site plan review process? He said it's not very common to see new mobile home parks being built, since they can basically be put onto any lot as a single family home.

Accessory housing units were discussed. Examples included creating a duplex or a two-family dwelling out of a standard single family home.

Randy Yelle said this type of housing arrangement is happening and they are illegal and are dealt with as needed.

Mrs. DeVooght said that duplexes should be addressed in the new ordinance. The other commissioners agreed. It was decided to keep accessory housing units as a conditional use.

Mr. Coleman brought up the private road issue. He said they heard that they aren't assuming responsibility for maintenance and right of ways, which he said doesn't make any sense because there are safety, ambulance, and fire issues. Mr. Coleman said they can revise the Township standards equivalent to that of the County's.

Mr. Tabor said they always try to get the roads to connect to get some of the traffic off the highway.

Mr. Kinnunen said it would be a good idea to put county standards on their roads.

Outside wood broilers were discussed. Mr. Coleman said these cause a lot of smoke that just hangs in the air if it isn't vented properly, which can cause some people also have respiratory issues. For new wood burners being installed, he suggested 5-acre lots as a minimum size for safe use.

Mrs. DeVooght said an extension of the trailer park on Silver Creek road was just done, so they still deal with it a bit. She said she thinks some of the language should be kept.

They decided to keep the mobile home regulations and that it is something that they still use and may have to deal with in the future.

Mr. Magadanz questioned the acreage of the hunting on shooting on the preserves and the total land. He thought that 40 acres is kind of small.

Randy Yelle said that he just picked a number for that wording because he wasn't sure. He said that total acreage can be changed.

Mr. Coleman said that he should be able to present a complete draft in a couple of months for review.

VII. NEW BUSINESS - none

VIII. PUBLIC COMMENT- none

IX. COMMISSIONER COMMENT - none

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Marquette Township Planning Commission – 12/13/06 Minutes

B. Marquette City Commission – 12/05/06, 12/19/06 Minutes

XI. ADJOURNMENT

Meeting adjourned at 9:37 pm

Estelle DeVooght, Commission Secretary

Rebecca Stachewicz, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, May 14, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Steve Kinnunen, Dennis Magdanz, and Ken Tabor

Absent: Dave Cotton

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2007 MEETING

Dennis Magadanz motioned to approve the minutes from 2-12-07 meeting and Tom Shaw seconded. Ayes 6, Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Ken Tabor motioned to approve the agenda; Steve Kinnunen seconded. Ayes 6 Nays 0. Motion approved.

IV. PUBLIC HEARING

No Public Hearings Scheduled.

V. PUBLIC COMMENT

No Public Comment.

VI. OLD BUSINESS

A. Rezoning #139 – Rezoning of property from R-1 to PUD and consideration of a Preliminary Development Plan.

A motion was made by Ken Tabor to revisit this item; seconded by Dennis Magadanz. Ayes 6 Nays 0 Motion approved.

Tom Murray recapped the information presented at the February 12, 2007 meeting pertaining to #139 Rezoning Application of Property from R-1 to PUD (Superior Pines Condominium Project). Mr. Murray read the definitions for “Rural Residential Land Use” (pg. 10-6 of the Preliminary Development Plan) and “Agricultural-Forestry Land Use” (pg. 10-3 of the Plan) on page 5 of the Staff/File Review - Site Data and Analysis Report prepared by Dennis Stachewicz, which is included in the Commissioner’s packets. Mr. Murray also described letters dated March 6, 2007 and April 17, 2007, from Dr. English as well as an April 27, 2007 letter from James R. Clark, Project Manager, requesting that the Planning Commission take formal action on Rezoning Application #139 at their May 14, 2007 meeting. On March 29th the Township received a notice of Intent to Establish a Condominium Project with 20 parcels located on 26 acres with 14 acres of open space located south of the railroad grade. The letter dated April 17th received by Chocolay Township, from the developer, notified the Township Supervisor of the Health Departments’ preliminary approval for well and septic for this plan. At the February 2007 meeting the proposal remained tabled due to density and open space concerns as well as the Health Department’s preliminary approval for soil and water. Meetings with the developer since then have failed to find agreement on a method to decrease the density of the proposal to comply with the Comprehensive Plan

Albert Denton reported that the only new thing he sees being brought to the Commission at this time in regards to this proposal, is the preliminary approval for water and soil from the Health Department for the proposed condominium subdivision consisting of 20 single family residential units on 26 acres of land. The report did state that there is adequate quantity and quality of water for this development, but that there will be a need to treat the quality of the water.

Nancy Rife, 202 Wanda Drive inquired into the status of the water issue and is it complete. Mr. Denton reported that the water issue at this point is pretty much resolved.

Shawn Campbell, 212 Kawbawgam Road asked if the readings from the test wells were accurate for this type of development. Mr. Denton said that the wells were tested according to the "Plan" and the Health Department's specifications for water quantity and quality measures. A letter was received by the Township from James Clark, Project Manager, which included the Health Department's preliminary approval letter for this project. A 4-hour pump test was conducted for the typical unit size of 1 acre. The Health Department's letter dated March 30, 2007 stated that the assessment of the on-site water supplies was provided by the project engineer. The assessment included two well logs from wells constructed within the proposed development, and their associated water sampling data. The wells were 130 and 120 feet deep and located on the west and east portions of the proposed site condominium. Water samples collected from these wells confirmed the chemical and bacteriological suitability of water withdrawn from the aquifer. Mr. Denton again stated that the water quantity is there, but that the quality of the water will need to be chemically treated.

Gary Loher, 1975 M-28 East asked if the water issue is really solved and is there anything else that can be done to protect the residents in regards to their water concerns. Mr. Denton replied that once the Health Department gives preliminary approval there's really nothing the Planning Commission can do.

Elizabeth Delene, 232 Kawbawgam Road reported that the residents on Kawbawgam Road had a United States Geological Water Investigation Report done that states that the underlying clay layers are thin to absent throughout the entire Kawbawgam Road area. Mr. Denton stated that the Commission has to abide by the Health Department's approval report and recommendations.

Jim Clark, Project Manager for the developer, stated that the initial application was for 40 units on 39.99 acres, which has been reduced to 20 units with 4 possibly being duplexes on 26 acres.

Steve Kinnunen reported that he stills sees issues with the green space as 50% of the proposed project has to incorporate green space, which is not seen on the plan. If the intent is to develop this whole development in clusters, the entire comprehensive plan should be put on the table and get all of the open space identified for the entire 164 acres. If we are only going to discuss developing the 26 acres, there needs to be more open space identified. According to the comprehensive plan there needs to be 50% open space.

Steve Kinnunen made a motion to table this request until more information is received regarding the density/green space issues. Tom Murray stated that the developer requested in his April 27th, 2007 letter that formal action be taken on this particular part of the Rezoning Application #139 at the May 14th, 2007 meeting. Mr. Denton also stated that he felt there was enough information provided to take formal action. Mr. Kinnunen made a motion to withdraw his previous motion to table this request. Albert Denton seconded the motion.

**Estelle DeVooght made a motion to deny #139 Rezoning Application from R-1 to PUD. Steve Kinnunen seconded the motion.
Ayes 4 Nays 2. Motion approved.**

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

Steve Kinnunen stated that the Planning Commission needs clear and concise definitions of the zoning requirements for this type of land development model, as all future developments in the Township will be based on this model and it needs to be right.

Tom Shaw, Vice Chairman stated that the reason he voted to approve the #139 Rezoning proposal was to give the developer a chance to redo his proposal to meet the density issues. Mr. Shaw understands and appreciates the water concerns of the residents, but explained that it is also the job of the Planning Commission to encourage development in the Township.

Estelle DeVooght questioned why the Planning Director hasn't provided the Commission with more details pertaining to Cluster Development. Albert Denton reported that Mr. Laumann is no longer employed with Chocolay Township and a new Planning Director hasn't been hired yet.

Mr. Denton informed the developers that they can come back to the Planning Commission with another proposal for the development of the 40 acres or a proposal to develop the full 164 acres.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – 1/16/07, 2/6/07, 3/6/07, 3/20/07, 4/3/07, 4/17/07 Minutes.
- B. Planning and Zoning News – January 2007, February 2007, March 2007, and April 2007.
- C. Chocolay Township draft ZBA Minutes – March 22nd, 2007.
- D. Marquette Township Planning Commission minutes – January 24th, 2007 and February 14th, 2007.
- E. Correspondence to Lorraine Leidholdt.
- F. Correspondence from Janet and Wayne Amundsen.
- G. Request for a June 25th, 2007, Zoning Ordinance work session.

XI ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Albert Denton, Chairperson

Laurie Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, June 11, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dave Cotton,
Steve Kinnunen, Dennis Magdanz, Ken Tabor

Absent: Vice Chairman Tom Shaw

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle,
(Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2007 MEETING

Dennis Magadanz motioned to approve the minutes from 5-14-07 meeting and Ken Tabor seconded. Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Tom Murray requested to add under Old Business as 6C. Informational - Superior Pines. Steve Kinnunen motioned to approve the agenda with the addition, Ken Tabor seconded. Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

No Public Hearings Scheduled.

V. PUBLIC COMMENT

Lee Blondeau, 30 N. Tracie Lane requested to speak when the discussion of the revised Zoning Ordinance (VI.) C.) is addressed.

VI. OLD BUSINESS

A. Discussion – Status of the Hiawatha Water Trail Grant

Tom Murray, Community Development Coordinator, provided an update via a memo dated June 11, 2007 to the Planning Commission members. Mr. Murray reported that the Hiawatha Water Trail Grant, was applied for in March, 2004 from the Department of Natural Resources Trust Fund and was awarded to the Township. The total grant amount is \$24,750 of which \$6,435 represents the required Township match. The townships match amount includes the construction of a roof over the storage locker, informational signage, a plaque, a picnic table and labor. 3 portions of the project were bid separately and were tentatively granted by the Township Board, which include construction materials, kayak locker steel fabrication, and limestone aggregate. No initial bids were received for the materials and installation of the footings for the boardwalk and fishing pier. Marquette Fence did submit a bid at a later date. Mr. Murray stated in his memo that there would be an \$11,273.54 projected deficit for this project incorporating all of the bids. Mr. Murray will rebid the foundation work to try to get a lesser quote. Mr. Murray also stated that he is exploring other possible funding avenues to assist with this project as construction costs have risen 45% since the approval of this grant.

Action: Mr. Murray will follow-up on the status of the re-bid for the foundation work.

B. Discussion – Status of the Revised Zoning Ordinance

Randy Yelle, Zoning Administrator, provided the Committee Members in their meeting packets a draft of the Revised Zoning Ordinance up to this point. Mr. Yelle asked everyone to review the draft and make any suggested changes/ corrections they may see in this draft. Mr. Yelle reported that there will be a

Special Meeting held on Monday, June 25th at 6 PM to conduct a work group meeting to discuss the final changes to the Revised Zoning Ordinance. Mr. Yelle also reported that the revised maps should be ready by Wednesday, 6/13/07.

Albert Denton asked the committee members to look through the draft Zoning Ordinance and point out any changes or corrections they may see at this time. There was much discussion pertaining to typos, section numbering, coordination and definitions of the abbreviations (or no abbreviations at all) and acronyms listed in the ordinance, etc. Mr. Yelle noted such changes and will have them fixed in the next draft. Other items discussed were Gas Stations/Service Stations, Cluster development density requirements, acreage required for a Planned Unit Development, clarification of building condominiums vs. site condominiums, mineral extraction changes, and access roads. The Committee members also discussed that the revisions to the zoning ordinance need to as clear and concise as possible and understandable by the commission and residents.

Dave Cotton reported that he submitted to Randy Yelle alternative language pertaining to wind energy systems/towers. This language would not only protect the residents, but provide for their safety as well.

Lee Blondeau 30 N. Tracie Lane suggested that a zoning ordinance pertaining to Contractors Yards should be considered in the revision of this zoning ordinance. Mr. Blondeau also inquired about the Conditional Uses section of the ordinance, which seems pretty broad. He suggested the revisions made to the zoning ordinance should also reflect future road changes and future industry in the Chocoley Township area.

C. Superior Pines Condominium Project Update

Tom Murray reported Mr. James Clark, Project Manager for the proposed Superior Pines Condominium Project is presenting the proposed development and requesting approval of the preliminary development plan at the June 18, 2007, Township Board meeting. If approval is obtained from the Township Board, staff will be directed to hold a public hearing in regards to approving this proposed development. Mr. Murray encouraged the members of the Planning Commission to attend the Township Board meeting on June 18th at 7 PM.

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

No commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – May 1, 2007 minutes.
- B. Planning and Zoning News – May 2007.
- C. Marquette Township Planning Commission minutes – February 28th, 2007, May 1, 2007 and May 9th, 2007.

XI ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION
SPECIAL ZONING ORDINANCE MEETING
Monday, June 25, 2007 @ 6:00 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Estelle DeVooght, Dave Cotton,
Dennis Magdanz, Ken Tabor

Absent: Vice Chairman Tom Shaw, Steve Kinnunen,

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary), Jennifer Thum (Planning and Community Development Director)

Guest: Pat Coleman, U.P. Engineers and Architects

II. ZONING ORDINANCE WORK GROUP SESSION - DRAFT 6/20/07

Albert Denton, Chairperson, reported that the township has been working on updating and revising the Zoning Ordinance for the past year and the zoning ordinance is nearing a final draft. This meeting is a work group session to go over the 6/20/07 draft.

Tom Murray, Community Development Coordinator, reported that suggested changes from the June 11, 2007 Planning Commission meeting have been incorporated into the third draft of the Zoning Ordinance. Mr. Murray also reported that there hasn't been much change to the Zoning Ordinance since the 1970's and it was in need of updating.

Mr. Murray stated that after one or two more work sessions the Final Draft of the Zoning Ordinance will be brought to the Township Board and then to a Public Hearing, which will possibly be held in August, 2007.

Pat Coleman, Consultant, reported that there have been minor changes to the Zoning Ordinance over the years, but since the Township adopted a new Comprehensive Plan within the past couple of years it became necessary to update the Zoning Ordinance to meet the goals that the comprehensive plan outlines. The Township took this opportunity to simplify the ordinance, reduce the number of districts, improve the organization of the ordinance by creating chapters and sections to make it easier to follow, incorporate definitions and include appropriate regulations.

Mr. Coleman reported on some items that have been updated such as the addition of fencing regulations, outdoor wood burning stove regulations, wind energy regulations, access management provisions dealing with M-28 and the US 41 corridors through Chocolay Township, which is the result of the Township participating in a study of these two corridors.

Mr. Coleman reported that Randy Yelle provided numerous recommendations from the staff and the residents of Chocolay Township that have been incorporated into this draft of the ordinance. Fence regulations were incorporated into the ordinance as they were not addressed in the old ordinance. The non-conforming use section was simplified to state that the property either conforms or is non-conforming, and if it is non-conforming there are procedures in place for the resident to request a variance to the zoning ordinance, but only for dimensional kinds of issues related to a specific lot. A big change in the zoning ordinance is the elimination of private roads. Future homes and developments will be required to have the road frontage abut to a public road and all new roads will have to meet all Marquette County Road Commission specifications. This has been agreed to by the Marquette County Road Commission.

The zoning ordinance also reduced the number of zoning districts and combined some to simplify the ordinance and the districts.

Mr. Coleman also reported that the waterfront residential section of the zoning ordinance was cleaned up in regards to allowable uses to better protect the waterfront residents and their property. The intent section was changed to state that premier principal uses of the property are for single-family homes only. The conditional uses section encompasses fishing piers, resorts, bed and breakfasts, outdoor wood burners and wind energy conversion systems on lots of 5 acres or more including conditions for approval, trails and accessory housing units. These conditional use requests will require a public hearing where the requestor will have to make an application, pay a fee, and the planning commission will hold a public hearing and make recommendations for the conditional use before it can be approved.

There was discussion pertaining to pg. 75, 10.1 Uses Permitted, Minimum Sizes and Fees”, Section “A”. This pertains to uses for a Planned Unit Development (PUD). There are many steps incorporated into this type of development and this type of request will require the Township Planning Commission to hold a public hearing and residents within 300 feet of the development will continue to be notified in writing as well as advertised in the newspaper. The new Zoning and Enabling Act, a state law in Michigan that now requires the public to be notified by advertising in the newspaper 15 days before a public hearing is held. Also, the public can't be notified of a planned development until the completed application is submitted. Cluster developments were also discussed which are designed to provide flexibility to the developer and to have higher density on part of the site with open space on another part of the site and also requires at least a 5 acre density ratio threshold. The height restriction for these developments is 30 feet. The density or open space must also meet the particular requirements for that zone / district.

There was a question related to Conditional Uses on page 16 in regards to “resort”. Should this be moved to the agricultural section so it is not part of the residential section. A motion was made by Dennis Magadanz and seconded by Ken Tabor to move “resort” from the residential conditional use section to the agricultural (AF section).

Ayes 5 Nays 0 Motion approved.

The Erosion Hazard line measuring was questioned. Randy Yelle explained that he follows the IGLD (International Great Lakes District) guideline, which states to begin measuring from the 1st apex to the planned building site. Dave Cotton expressed concern in regards to better defining the high dune line or 1st apex.

Dave Cotton also discussed the ordinance pertaining to Wind Energy and outdoor wood burners on pg. 45 that require at least 5 acres. Dave Cotton made a motion to remove the 5 acre requirement and require the applicant to go to the Township Planning Commission for approval. Dennis Magadanz seconded the motion.

Ayes 5 Nays 0 Motion approved.

Dick Arnold, Contractor, stated that there is no zoning districts that permit small contractors to set-up small businesses in the old ordinance. After much discussion a conditional use zoning district will be looked into to accommodate this type of zoning.

Lee Blondeau, Blondeau Trucking, submitted a letter in regards to the Commercial district being zoned conditional use.

Some typographical and numbering errors were identified:

- 1) Page 31 under Intersection (#7) M282 should be changed to M28.
- 2) Page 40 (#5) US/M26 should be M28.
- 3) Page 48 numbering is incorrect

IV. PUBLIC HEARING

A public hearing will be scheduled in August to review the final draft of the Zoning Ordinance. The public will be notified.

V. PUBLIC COMMENT

Public comment in regards to changes, clarification of various items and requests for changes to various zoning items was incorporated into the minutes and duly noted by the Planning Commission.

VI. OLD BUSINESS

No old business at this time.

VII. NEW BUSINESS

No new business at this time.

VII. PUBLIC COMMENT

No public comment.

VIII. COMMISSIONER'S COMMENTS

No commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

No informational items or correspondence to discuss at this time.

XI. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, July 9, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw Estelle DeVoight, Dave Cotton, Dennis Magdanz, Ken Tabor

Absent: Steve Kinnunen,

Staff Present: Tom Murray (Community Development Coordinator), Randy Yelle, (Zoning Administrator) and Laurie Vashaw-Eagle (Recording Secretary), Jennifer Thum (Director of Planning and Development)

II. MEETING MINUTES

Dennis Magadanz moved to approve the minutes from 6-11-07 regular meeting seconded by Tom Shaw.

Ayes 6. Nays 0. Motion approved.

Motion made by Ken Tabor to approve the minutes of the 6-25-07 special meeting seconded by David Cotton.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

No additional items were added and Mr. Cotton moved to approve the agenda as presented, seconded by Ken Tabor.

Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

A. Public Road Request #23 / Ward Trail

Francis Ward was requesting approval for a private road located off of Willow Road (an existing private road) to support future development of the area. This request was made under Section 402 of Zoning Ordinance #34.

Tom Shaw made a motion, Estelle DeVoight seconded, 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:

- 1) Francis Ward 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) Francis Ward pay for and install a road sign identifying the private road as “Ward Trail” at the intersection with Willow Road and Francis Ward is to pay for and install a stop sign at the same intersection; and
- 4) Francis Ward 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
- 5) Francis Ward shall comply with the conditions and requirements of all other agency regulations; and

- 6) A zoning compliance permit shall not be issued until all of the above conditions are met.
- 7) 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 5. Nays 1. Motion approved.

V. OLD BUSINESS

No old business at this time.

VI. NEW BUSINESS

A. Superior View Site Condominiums / Preliminary Plans

Mr. Eric Keough had submitted a preliminary plan for the proposed Superior View, a site condominium project. Staff had reviewed the preliminary plan and recommended that several items be addressed prior to submission of an additional preliminary plan:

1. Section 503 of the Zoning Ordinance is for the application and review procedures. Under letter B, it lists the Preliminary Site Plan Review procedures. Mr. Keough does not meet the requirements to have his preliminary plan at the Planning Commission at this time. The Zoning Ordinance states, "The Preliminary Site Plan shall include the same information as required for Final Site Plan review, unless deemed unnecessary by the Planning Director and the Zoning Administrator." Here are the items that should be on the Preliminary plan, but have not been shown at this time:
 - a. The existing and proposed topography of the site at a minimum of 2' (Two foot) intervals and its relationship to the adjoining land, has not been shown. This should be on a separate sheet of paper.
 - b. The scale is not accurate. In future engineering drawings, please make sure that the scale is no greater than 1 inch=60 feet and then only in a base of ten.
 - c. The setback requirements have not been met. This could be due to the inaccuracy of the scale.
 - d. Proposed curb cuts have not been shown.
 - e. Proposed grading if any has not been shown. Please provide a copy of the permit application if there will be grading done on site. Per Part 91, of 1994 PA 451.
 - f. Proposed location, size and type of drainage, sanitary sewers, water services, storm sewers and fire hydrants must be included.
 - g. Proposed landscape plan showing area of new topsoil, grass, or other ground cover, and type and size of trees and shrubs.
 - h. Material description of homes and an example of what material is going where.
 - i. There are no open space calculations shown.
 - j. Our Zoning Administrator, Mr. Randy Yelle has requested a copy of the Master Deed and has yet to receive that item.
2. Another issue echoes the sentiments of our Township Attorney, Mr. Mike Summers and our Zoning Administrator, Mr. Randy Yelle. The enclosed site plan is showing five lots; in 2003 these five lots were combined into two parcels.

The previous owner, Mr. Schaub, rezoned the property from C-2 to R-3. He did so for the construction of the condo development allowing for four 60 foot by 50 foot units.

Mr. Randy Yelle has informed Mr. Keough and his professional surveyor on several occasions that there are no longer five lots, but two, and the property in question is zoned R-3. Therefore, if they attached two of the requested single-family dwellings with a common garage, making two family residents, they would be considered a permitted principle use within said zoning district. Mr. Yelle has informed Mr. Keough that the five lots are non-conforming and they have been combined into two lots. One of these lots became conforming with the second much closer to conforming than before. The two lots will not be split, as it is illegal to create a lot not in compliance with the zoning ordinance.

3. The amount of curb cuts Mr. Keough is proposing to have on Terrace Street. They are unacceptable and a potential hazard to not only pedestrians, but also to the existing residences and customers of the businesses across the street. We have a required road frontage of 125 feet. The lots do not come close to meeting that requirement. In fact, they are not in compliance of our zoning ordinance either, under Section 525(D)(6) General Requirements, under the Site Condominium provision, it states:

“For the purpose of this ordinance, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.”

4. If the surveyor could show on a sheet the maximum lot coverage ratio, net lot coverage and floor area ratio, it would be appreciated.
5. With regards to the Sanitary Sewer, our DPW supervisor contacted STS Consultants to get their opinion on this development. Their recommendation was that, one single family home/residence, one lateral – NO EXCEPTIONS. They have seen too many problems when a lateral serves more than one single family home. They are requiring Mr. Keough to follow Section Seven of the Waste Water Collection Ordinances, which states that “A separate and independent building sewer shall be provided for every building.”
6. Mr. Keough is proposing a fence on the east side. Would Mr. Keough plan on building an additional fence on the west side? Also, the new ordinance will state that the fences in Harvey only be allowed at a height of 4 feet, not the 6 feet that he is proposing.
7. In the proposed plan, Mr. Keough is only showing one type of dwelling unit. Are all the homes going to look alike or will there be variances between the homes.
8. There are no heights that are being shown on the plan, in our Zoning Ordinance It states that the maximum height requirement in an R-3 is 30 feet. The heights of each home and garage will have to be shown on the preliminary plan.

Al Denton made a motion, seconded by Ken Tabor that the Planning Commission table the approval request of Mr. Keough’s Superior View Condominium preliminary plan. Mr. Denton encouraged Mr. Keough to meet with the Township Staff and re-submit his preliminary plan in accordance with ordinance requirements and staff recommendations.

Ayes 5, Nays 0. Motion approved.

B. Proposed Farmers Market

Mr. Jim Hyer’s was proposing to operate a farmers market this summer where farmers can sell their produce and local artisans can sell their homemade soaps, wool, etc. Mr. Hyer would like to host the farmers market at the pavilion just north of the Fire Hall. He would like to hold this market during midweek to ensure little competition from neighboring farmers markets.

Jennifer Thum sought opinions from the Zoning Administrator and the Township Attorney regarding this type of commercial activity being held on Township property and what liability/insurance issues would be involved. Mr. Summers stated that the Township might have to obtain additional insurance since the Township is not insured for commercial activities. Mr. Summer's overall position is that if we allow one individual to utilize our township land to have a commercial type of businesses on our property, then we have to allow anybody. Mr. Summers cautioned the Township about entering into to this type of area.

**After much discussion Al Denton motioned to deny Mr. Hyer's Proposal for a Farmer's Market, seconded by Tom Shaw.
Ayes 6. Nays 0. Motion approved.**

VII. PUBLIC COMMENT

Sunny Walden 252 M-28 East questioned how much property is needed for a development such as Dr. English's proposed development?

Al Denton explained that Mr. English's property was rezoned from an RR2 to a PUD, which requires at least 5 acres.

Lee Blondeau 30. North Tracie Drive inquired if there were going to be any more Zoning Ordinance work sessions before the final draft is brought to the Public as he is concerned that his property will be classified as conditional use instead of permitted use thus making it non-conforming.

Tom Murray reported that if deemed necessary another work session will he scheduled before the Public Hearing. Tom Murray also reported that at this time a Public Hearing is scheduled to review the Final Draft of the Zoning Ordinance on Monday, August 13, 2007 at 6:00 PM in the Silvercreek School Auditorium.

VIII. COMMISSIONER'S COMMENTS

Tom Shaw, Vice Chairperson, inquired if the Township should look at the fee it charges to hook into the water/sewer system to see if we're in line with other Townships.

Township Staff will research this item.

Al Denton reminded everyone that the Township Board Public Hearing regarding Dr. English's proposed PUD Development will be held on Monday, July 16th, 2007 at 7:00 PM.

IX. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – May 15th, 2007 Minutes
- B. Marquette Township Planning Commission Minutes – May 23rd 2007, June 13th, 2007.

X ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, August 13, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Dave Cotton,
Dennis Magdanz, Ken Tabor, Steve Kinnunen,

Absent: Estelle DeVooght

Staff Present: Randy Yelle, (Zoning Administrator), Jennifer Thum (Director of
Planning and Community Development), Laurie Vashaw-Eagle (Recording
Secretary)

II. APPROVAL OF JULY 9th MEETING MINUTES

Dennis Magadanz pointed to a correction under VII. New Business A) c. change “he” to “the”. The paragraph under New Business A) last paragraph, last sentence should state Ayes 6. Nays 0. With no further corrections noted Dave Cotton motioned to approve the minutes from the 7-9-07 meeting. The seconded was provided by Dennis Magadanz.
Ayes 5 Nays 0 Motion approved.

III. ADDITIONAL ITEMS / APPROVAL OF AGENDA

Dave Cotton requested that under Old Business the Committee add A) Zoning Ordinance – Wind Energy/Outside Wood Burning Stove 5 acre requirement. With no further Additions to the agenda, Ken Tabor motioned to approve the agenda seconded by Dave Cotton.
Ayes 5 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. Conditional Use Permit #60A Alder Storage Properties – Revising original C.U.P. to construct two additional Buildings

Dick Arnold of 312 County Road 545, reported that he has no objections to the additional buildings, but would like to see the stumps and trees that can be seen from the highway from the initial construction of the storage buildings be cleaned up before new construction begins.

Mark Maki of 370 Karen Road questioned this conditional use request, as there was another storage facility constructed with out the conditional use process. Mr. Maki referred to Zoning Ordinance, Section 106, which he feels was not complied with. He reported that he was denied access to the site plan before it was approved by the Township. He then came into the office after a Board Meeting and filed a complaint with the police asking why the ordinance was not complied with and stated that he never received a response.

Gloria Hoog of 108 Alderbrook Dr. stated that she lives behind the Alder Storage Buildings and stated she would like to know exactly where the two storage buildings will be located on the property. Ms. Hoog agreed with Mr. Arnold’s clean up comments and would like to see the area cleaned up. Ms. Hoog also wants the area around the buildings to remain cleaned up and presentable and inquired if there were any plans for the small pond on the property.

Cristal Silta of 429 North Third St explained that the brush pile will be cleaned up by either bulldozing it or burning it. Ms. Silta reported that she will follow the recommendations of the Township in regards to cleaning up the previous construction materials, brush, tress, etc.

Gloria Hoog questioned how big the buildings will be and how many more will be built in the future.

Cristal Silta apologized for taking so long to clean this up. She explained that she was hoping to put another building up, but couldn’t afford it last year. The two new buildings

will be bigger than the initial buildings, but will be built 30 ft. from the property line, and in accordance with the zoning ordinance requirements. Ms. Silta also explained that she may build additional buildings in the future, which will be determined by demand and economic feasibility.

Mark Maki reported that he sent a fax to the new Planning Director on 7/13, 7/24, and 7/26 requesting some information and asked for verification from the Planning Director that she received the fax. Mr. Maki stated he hasn't received a response pertaining to his fax or information request. Mr. Maki also stated that he has sent letters to Randy Yelle in the past with no response to those either. Mr. Maki asked if Jennifer Thum or Randy Yelle could address his concerns about denying him access to public records. He questioned if the staff are receiving the faxes or if the fax machine is broken. Al Denton asked Mr. Maki to come in the Township office and make an appointment to meet with Greg Seppanen in regards to his request.

VI. OLD BUSINESS

A. Revision to The Zoning Ordinance - Wind Energy and Outside Wood Burners

Dave Cotton motioned, seconded by Ken Tabor to reinstate into the new Zoning Ordinance a 5 acre minimum with set backs for outdoor wood burners which was omitted during the previous Zoning Ordinance meeting.

Ayes 5 Nays 0 Motion Carried.

VII. NEW BUSINESS

A. Conditional Use Permit #60A Alder Storage Properties – Revising original C.U.P. to Construct Two Additional Buildings

Ms. Silta explained that the curbs and paving between the buildings were initially done on July 23, 2007. Ms. Silta reported that she has been in contact with Jeff Rautiola of MDOT and explained the delay associated with the contractor in completing the paving project. Ms. Silta has spoken with the contractor and he told her the project is scheduled to be completed this Wednesday or Thursday. Ms. Silta also explained the landscaping will be completed once the paving is complete.

Steve Kinnunen motioned, Dave Cotton seconded, that after review of Conditional Use request #60A, the STAFF/FILE REVIEW-SITE DATA AND ANALYSIS, Sections 211, 403, 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 #60A as an amendment to Conditional Use #60A with the following conditions:

1. Alder Storage Properties adheres to the MDOT requirements that the Township Planner sent to Christal Silta, on July 16, 2007. The letter outlines the items that MDOT is requiring of Ms. Silta. The MDOT requirements need to be completed before the issuance of a zoning compliance permit.
2. Alder Storage Properties maintains the landscape areas that are shown on the plan dated 7/27/07.
3. Alder Storage Properties maintains a 30 ft. buffer in the rear of the property where it abuts residential property. The visual screen shall consist of the surviving conifers and either an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats or a vegetative screen consisting of Lilac, Arbor Vitae and Forsythia planted on 3-ft. centers. Plants shall be a minimum of 30 inches tall at planting.
4. During construction, proper best management practices are placed on site to ensure that soil does not go into the pond.
5. The proposed swales in the rear of the property are to be constructed to ensure proper drainage of the site.
6. Alder Storage Properties plants the required 2.5% of landscaped open space within the 40 foot front yard setback.
7. That any lanes providing access to storage doors be left with a 20'

unobstructed area to allow customer access/maneuvering as well as providing access for emergency vehicles.

8. That the applicant provides the Fire Department with a final set of building Plans detailing the fire breaks within the buildings.
 9. That any security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
 10. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
 11. A zoning compliance permit shall not be issued until all other necessary permits as required by Federal, State, and Local Agencies, are acquired.
 12. Alder Storage Properties will clean-up said property now and after the new construction including removal of brush, trees, debris, etc.
- Ayes 5 Nays 0 Motion approved.

B. Lee Blondeau, Zoning for Blondeau Trucking

Lee Blondeau, 30 Tracie Lane, gave a historical overview of Blondeau Trucking in Chocolay Township and wanted to straighten out some problems that have historically plagued this property. Mr. Blondeau explained that this business has been in Chocolay Township since the early 1960's. Mr. Blondeau also pointed out that when Blondeau Trucking first began, there was no Zoning Ordinance in Chocolay Township. In 1977, the Zoning Ordinance was revised and Blondeau Trucking was zoned as a permitted use property. In the mid 1980's problems began and the disputes ended up in Court. This property then became a non-conforming property. After a lengthy court battle, the property became a conditional use brokered by the Court and included restrictions on the number of trucks they could operate out of this property.

Mr. Blondeau reported that this property does not clearly fit into one specific category listed in the Zoning Ordinance. Technological advances have made the heavy trucks less loud, they have less breakdowns, there is no smoke coming from the trucks as did in the past, etc. Mr. Blondeau explained that Blondeau Trucking operates primarily as a maintenance facility with little to no truck traffic during the day unless there are repairs to be made to the trucks.

Mr. Blondeau explained that he is here to try to avoid future problems with this property and the zoning. Mr. Blondeau is asking staff to work with him to allow Blondeau Trucking to operate under a permitted use rather than a conditional use.

Al Denton asked Randy Yelle if there is any available property in Chocolay Township that would allow Blondeau Trucking to operate under a permitted use. Mr. Yelle explained that there is no available property in Chocolay Township that he is aware of where Blondeau Trucking could relocate and operate as a permitted use..

Al Denton questioned Lee Blondeau in regards to how many trucks the court is allowing for this business. Mr. Blondeau reported that he is not sure of the exact number. Mr. Denton instructed Mr. Blondeau to verify the number and not exceed what the court has restricted.

Al Denton stated that this business has been in the Township for many years and since there is no property zoned in the Township for this type of business nor is there any property available that could accommodate this type of business in the Township, he supports the township doing something to try and work with Lee Blondeau. The Township will work with Mr. Blondeau regarding problems that may arise in the future and also try to find an area in the Township where this type of business could operate or make an area in the Township to allow this type of business to operate and flourish.

Mark Maki questioned the Planning Commission if they are allowing a spot zone for the 8 acres that houses Blondeau Trucking. He also questioned the various actions of the Chocolay Board members, the Township Planning Commission, and the Administrators in regards to his right to the Freedom of Information Act requests. Al Denton asked Mr. Maki to contact the Township Office and set up an appointment to discuss his concerns with Greg Seppanen and himself.

Tom Shaw reported that he has not heard many complaints against Blondeau Trucking, but has personally witnessed unfounded accusations against them. Mr. Shaw has known Lee Blondeau to be willing to work with anyone who has a complaint to try to solve any issues amicably and satisfactorily.

VII. PUBLIC COMMENT

Dick Arnold of 312 County Rd. 545 wanted to commend the Planning Commission on their willingness to work with residents and business owners as well as looking out for the best interest of Chocolay Township.

VIII. COMMISSIONER'S COMMENTS

No comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission – July 3rd, 2007 Minutes
- B. Marquette Township Planning Commission Minutes – June 27th, 2007.
- C. Planning and Zoning Magazine

XI. ADJOURNMENT

The meeting adjourned at 8:37 p.m.

Albert Denton, Chairperson

Laurie Washaw-Eagle, Recording Sec.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, October 8, 2007 @ 7:30 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Ken Tabor

Absent: Dave Cotton (excused), Steve Kinnunen,

Staff Present: Jennifer Thum (Director of Planning and Development), Laurie Vashaw-Eagle (Recording Secretary)

II. MINUTES

Dennis Magadanz motioned to approve the minutes from the August 13th, 2007 meeting, seconded by Ken Tabor with no corrections.

Ayes 5 Nays 0 Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Estelle DeVooght requested to add the Comprehensive Plan to the agenda under Old Business (B). With no further additions to the agenda, Ken Tabor motioned to approve the agenda, seconded by Tom Shaw.

Ayes 5 Nays 0 Motion approved.

IV. PUBLIC HEARINGS

A. Rezoning #140 – Request to rezone property from R-3 to C-3

Jennifer Thum, Director of Planning and Community Development, reported that Randy Yelle, Zoning Administrator, received a request for a change in the Chocolay Township Zoning Map from Minnesota Towers Inc., (Randall Mattson). The site is located in section 7, T47N-R24W, Parcel #52-02-108-009-00, Township of Chocolay, County of Marquette, Michigan, lying north of M-28 East. This parcel is zoned R3, Residential, being requested to be rezoned to C-3, Commercial. If adopted C-3 would become Industrial, as per the proposed Zoning Ordinance, as directed by the adopted Comprehensive Plan. The applicant is proposing to rezone the parcel to C-3 to then apply for a conditional use permit to allow for a wireless cell tower. The Comprehensive Plan, page 10-2, "Future Land Use Map", shows no industrial zoning in that area.

Section 101 of the Chocolay Township Zoning Ordinance addresses towers under;

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

Section 211 (C) allows for Wireless Communication Facilities, subject to the conditions of Section 527, within the C3, RP, and PL zoned districts as a Conditional Use. (See attached copy of Section 527).

The following items were noted as some general considerations that should be taken into account when evaluating this rezoning:

1. Is the land use proposed in the rezoning request consistent with the uses designed for said property within the township's comprehensive plan?
2. Is the proposed district and all of its allowed uses compatible with the surrounding area?
3. Can the property be used for a use already permitted within the district?

The following information was given by MTA's Township guide to planning and zoning and also supported by the Chocolay Township Zoning Administrator:

Reviews of rezoning should not be accompanied by a site plan. It is easy to become distracted by discussions of landscaping, setbacks, and other issues. Site plans should not be considered as part of a rezoning review, except as part of a contract, or conditional, rezoning or as planned unit development. **Absent** a specific contract voluntarily offered by the applicant, a rezoning approval cannot be conditioned upon a particular use, plan or other action. Once rezoned, the property can be used for any use permitted in the new zoned district. The site plan review should take place only after the rezoning is approved, the two should not be processed simultaneously.

Permitted Principal Uses within the C3 zoned district are: Motor vehicle sales, service and rental, construction & farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats & monuments, wholesale and storage uses, food packing and bottle works, commercial printing and newspaper offices, contractor's yards and shops, laundry, cleaning and dyeing plants. This does not take into consideration the Conditional Uses allowed with Planning Commission approval.

If approved, any of the permitted principal uses would be allowed, and the Chocolay Township comprehensive plan does not support C3 or Industrial Zoning in that area, and the area is bordered by residential zoned property. The Zoning Administrator recommends denial of this request.

Mr. Randall Mattson of Minnesota Towers, explained that Minnesota Towers is a company that builds towers primarily for cell phones. Mr. Mattson is instructed by the company to explore and make arrangements to building tower(s) within a specific search ring stipulated by the company who hires them. Mr. Mattson contacted Dr. Peura to see if he would be willing to lease a portion of his land to build a 175 ft. cell phone tower as his property is within the specific search ring. Mr. Mattson and Dr. Peura also met with Randy Yelle, Zoning Administrator, to see what the best course of action he would recommend to accommodate a tower of 175 feet high that would be within the zoning ordinance. Mr. Yelle suggested Mr. Mattson and Dr. Peura's best course of action would be to submit a request to the Planning Commission to try to rezone the property from R3 to C3. Mr. Mattson stated that a C1 rezoning only allows for a 75 ft. tower. Dr. Peura stated that he's not a construction person and only intends to lease the space and not do anything else with it. Mr. Mattson also stated that if he has to move the tower even one quarter of a mile it may interfere with the intent of providing better service to the company's customers and it will require a larger tower to be installed. The company would prefer to minimize the size of these towers.

V. PUBLIC COMMENT

Lee Blondeau, 30 Tracie Lane, stated that land zoned in Chocolay Township that would allow this type of tower is extremely sparse.

VI. OLD BUSINESS

A. Update on Alder Storage

Jennifer Thum, Director of Planning and Community Development, provided an update in regards to the zoning compliance of Alder Storage. As of last month, Ms. Silta has complied with all the MDOT requirements for the driveway in order to get the MDOT permit and a zoning compliance from Chocolay Township. When Jeff Rautiola informed the Township that everything was satisfactory with MDOT, we then issued a zoning compliance to Ms. Silta. As of this week, the footings have been installed and the floor added to one of the units. It seems that she will have one building built by the end of this fall.

Ms. Thum stated that the Township did have an issue with Ms. Silta, as she cut down all the trees in the rear that served as a buffer to the residential district. These were supposed to remain. When asked why she did this, she replied, "I had to cut them down in order to create the swales." This was not true as Ms. Silta could have

created the swale without cutting down the trees. Mr. Yelle and Ms. Thum were tempted to put a temporary stop work order on the site, but were able to reach an agreement with Ms. Silta.

It was agreed that Ms. Silta would plant enough Spruce trees on 5 ft. centers to replace the rear buffer and to plant the additional buffer that was called for on the final plan. This called for Lilac, Arbor Vitae, and Forsythia planted on 3 ft. centers. Mr. Yelle and Ms. Thum will monitor Ms. Silta's site to ensure that everything is planted correctly and that she follows the required conditions attached with her approval.

B. Comprehensive Plan in New Ordinance

Estelle Devooght stated that she had some concerns with the July, 2007 Draft Zoning Ordinance in regards to the comprehensive plan. The Commission members stated that a September, 2007 Final Draft Zoning Ordinance was recently provided to everyone to review before the October 29, 2007 meeting. Ms. Devooght stated that she will hold any comments until she reviews the most recent version of the Final Draft Zoning Ordinance.

VII. NEW BUSINESS

A. Rezoning #140 – Request to Rezone Property from R-3 to C-3

Jennifer Thum showed a map of the Township pointing out the C-3 zoning districts to help clarify the rezoning request of Dr. Peura's property and the surrounding districts. Ms. Thum pointed out that Dr. Peura's property is zoned R-3, but all of the property in front of him is zoned C-1 (commercial). Ms. Thum also reported that all residents and businesses were notified within 300 feet of Dr. Peura's property in regards to Rezoning Request #140. Dennis Magadanz asked where the access drive would be located to access the tower. Mr. Mattson stated that the access drive will be off M-28 East. He also stated that Dr. Peura owns both lots (approximately 30 acres) surrounding the proposed tower site.

Ken Tabor questioned why the property would need to be rezoned to C-3, and stated that if the property was rezoned to C-3 it could open up the property for other things and not just the tower.

Al Denton stated that another option would be to go before the Zoning Appeals Board, but there are no guarantees that the request will be approved there.

The Planning Commission members in attendance stated that they're uncomfortable rezoning this property to C-3 because of possible future problems with this type of zoning on this parcel of property.

Dr. Peura asked the members their opinion on whether he should keep the R-3 zoning and request a variance of the height restrictions from the Zoning Board of Appeals? Dr. Peura also stated that he is looking for possible options or suggestions to accommodate the building of this tower on his property.

Jennifer Thum suggested that this be tabled so she could meet with the assessor to see if it would be possible to section off a small parcel of Dr. Peura's property for just the tower. Ms. Thum will look into the legalities and report back to the Commission at the November meeting.

Al Denton stated that the Township would like to work with Dr. Peura and Mr. Mattson to try to accommodate their request to build a 175 ft. tower without having to rezone the property to a C-3 zoning district.

Tom Shaw made a motion, seconded by Ken Tabor to table this so staff can research the options available to Dr. Peura and Mr. Mattson's request to build the 175 foot tower and report back their findings at the November meeting.

5 Ayes 0 Nays Motion approved to table this until the November meeting.

B. U.P. Engineers and Architects – site plans review on an “as needed basis”

Jennifer Thum, Director of Planning and Community Development, reported that recently there has been some issues with existing site plans pertaining to drainage. As a result, U.P. Engineers and Architects were contacted about the possibility of them assisting with site plan review when needed. Ms. Thum believes that outside professional engineering assistance would be best to help ensure that proper draining is on all new sites. It's the Township's responsibility to ensure that the proposed site's drainage does not affect any of the neighboring properties. She stated that the Township would hire U.P. Engineers and Architects, if they believed that the site plan needed a more extensive review.

Currently, it is the Township's responsibility to pay for outside consulting advice. However, under the new ordinance there will be a provision that where the Township can require the applicant to either help with the consultant fees or to cover them completely. Ms. Thum believes the Township will be seeing more and more development, and having an outside agency assisting in the plan review would be beneficial.

“An escrow fee may be required to obtain a professional review of any other project with may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or an adjacent property and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.” (Zoning Ordinance, Draft 7/21/07).

Ms. Thum stated that enclosed in the meeting packets is some information from U.P. Engineers and Architects; the short form of agreement that proposes to provide review services on an as needed hourly basis and their current rate schedule. She also reported that the services that would most likely be used would be Landscape Architect, Planner and Engineer I on the rate schedule.

Estelle Devooght stated that she had a problem with one specific company being awarded all of the business.

Jennifer Thum stated that she understood and would be happy to put the services out for bids.

The Planning Commission members discussed that if the applicant pays for engineering or architectural services, they should be allowed to choose the company they wish with Board input / approval. The Board asked Ms. Thum to create a list of engineers to be considered by the Township and the applicant. The Board also asked Ms. Thum to look into developing a reasonable system to address this item as there are issues pertaining to who would have ownership of the documents, etc. Ms. Thum will research what other Townships do in these types of situations.

Estelle Devooght made a motion seconded by Ken Tabor to table this issue until the November meeting.

5 Ayes 0 Nays Motion approved to table this until the November meeting.

C. 2007 Road Ranking Rankings

Jennifer Thum, Director of Planning and Community Development and Martin Caceres, Director of Public Works submitted a memo to the Planning Commission members in regards to the 2007 Road Rankings.

Ms. Thum reported that with the 2008 budget looming and the upcoming millage vote, the Township needs to prioritize the next road projects so the needed funding can be identified and work can begin with the Road Commission on these future projects. Ms. Thum provided in the meeting packet a spreadsheet detailing the roads that were identified through field inspection, which should be prioritized for completion. Ms. Thum reported that the Township staff have ranked the roads

according to the Township's road ranking system and is asking the Planning Commission to review the rankings to determine their recommendations.

Dennis Magadanzenz stated that CR 545 – West Branch Road should not be ranked on our list as it's a primary road and is the county's responsibility.

No other comments/recommendations were made by the Planning Commission members.

Estelle Devooght made a motion to accept the 2007 Road Rank List with the omission of CR 545 and seconded by Dennis Magadanzenz.

5 Ayes 0 Nays Motion approved.

VIII. PUBLIC COMMENT

Mark Maki, 370 Karen Road, questioned a zoning ordinance change pertaining to contractors yards and shops. Mr. Maki stated that after reviewing the meeting minutes from April and July he was unable to find anything pertaining to this being added to the new zoning ordinance.

Lee Blondeau, 30 Tracie Lane, commented that he attended a meeting where this issue was discussed and he remembers a few contractors attending the meeting.

IX. COMMISSIONER'S COMMENTS

Tom Shaw, Vice Chair, requested that Jennifer Thum research similar tower issues and resolutions in other areas and report back her findings at the November meeting.

Al Denton, Chairperson, reported that the Zoning Appeals Board held a Special Meeting on October 4, 2007 regarding an appeal pertaining to a possible non-compliance of height at a home being constructed at 601 Lakewood Lane. The case was initially heard in Circuit Court and Judge Weber sent it to the Chocolay Township Board of Appeals to be heard first. Randy Yelle, Zoning Administrator, performed the measurements and determined the grade to the best of his abilities. After modifications were made, Mr. Yelle determined the height of the house as it stands today is in compliance with the Zoning Ordinance and the appeal was denied by the Zoning Board of Appeals.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette City Planning Commission Minutes – August 7th, 2007/August 21st, 2007
- B. Marquette Township Planning Commission Minutes – July 5th, 2007/July 18th, 2007
- C. Letter from Mark Maki
- D. Planning and Zoning Magazine

XI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, November 12, 2007 @ 7:30 PM
DRAFT COPY**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Steve Kinnunen, Dave Cotton

Absent: Ken Tabor

Staff Present: Jennifer Thum (Director of Planning and Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF OCTOBER 8th & OCTOBER 29th MEETING MINUTES

Tom Shaw motioned to approve the October 8, 2007 meeting minutes as written, seconded by Estelle DeVooght.

Ayes 6. Nays 0. Motion approved.

Estelle DeVooght motioned to approve the October 29, 2007 meeting minutes as written, seconded by Steve Kinnunen.

Ayes 6. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Steve Kinnunen motioned to approve the agenda as written seconded by Dave Cotton
Ayes 6. Nays 0. Motion approved.

IV. PUBLIC HEARING

A. Conditional Use Request #78, Proposal for a Home Occupation to Fix Transmissions on Automobiles and to Work Out of His Garage

Mr. Gregory Martin began his presentation by provided a handout of his invoices for the year to the Planning Commission members and explained his conditional use request proposal for a home occupation to fix transmissions and to work out of his garage. Mr. Martin explained that he's been performing this service since approximately 2001 and was unaware he needed approval from the Commission. Mr. Martin reported that he feels that the main concern is pollution. He did explain that he used to blow parts outside, but no longer does this. He also explained that all of the work he performs is done inside. Over the past year, Mr. Martin has done 52 transmission, which averages out to 1 per week. Mr. Martin did state that he will get in compliance with the DEQ. He also explained that he and his wife conducted a noise test today by having his wife go to various areas of the neighborhood to see if she could hear him blowing parts out inside of his garage. The noise could only be heard when she was in the front yard of their home, but the highway noise was just as loud. Mr. Martin also stated that the drain in his garage could be checked for oil or chemicals and none would be found as he doesn't accept transmissions unless they are drained of their fluids. Mr. Martin wanted to clarify that he does not fix cars in his garage; he only performs work on transmissions. He also wanted to clarify that he only occupies half of his garage as a work area and the other half is used for personal vehicles and recreational vehicles. Mr. Martin stated that the 4 vehicles in his driveway are his and wife's and they are all licensed and registered so his business does not cause a lot of traffic.

B. Conditional Use Request #79, Proposal to Build an Accessory Housing Unit onto an Existing Single-Family Dwelling Unit

Jill Leonard reported that she and her husband have submitted all the necessary paperwork and have been very careful to comply with all of the requirements associated with this request. Ms. Leonard stated the addition is for her mother and would encompass less than 30% of the existing structure and will be less than 1,000

square feet. Ms. Leonard also stated that they are more than willing to return to the Planning Commission in 5 years for a reconsideration of the conditional use request.

V. PUBLIC COMMENT

Paul Kyto, 1475 East M28, stated that he has been a neighbor of Mr. Martin for many years and has no problem with noise or felt concerned about oil getting into the ground water. He also stated that he has never been bothered by Mr. Martin fixing transmissions in his garage.

Gary Heinzelman, 1471 E. M28, stated that he did notice a little air noise in the Summer, but has no problem with Mr. Martin fixing transmissions in his garage, but he did ask the Commission to consider following the zoning ordinance as it's written.

Lee Blondeau, 30 Tracie Lane, requested to get the Planning Commission to discuss their thoughts in regards to the changes to the new ordinance pertaining to the rezoning of the Blondeau Trucking property. Mr. Blondeau requested that this issue be added to the agenda. Albert Denton responded that the agenda is pretty full for this evening, but if there's time the Commission will address this.

Stan Wittler, 124 County Road 545, stated his concerns about the 20 acre rezoning requirement in the new ordinance to build a home. He also questioned why 20 acres and not 5 or 10 acres? Mr. Wittler stated that this seems quite excessive and doesn't appear to serve the public's best interest. Estelle DeVooght stated that this change was decided to try and curb urban sprawl. Randy Yelle explained that the 20 acre requirement came out of public hearings that were held in 2005.

Mr. Dan Wietala, 645 Lakewood Lane, stated that he looked at the applicant's proposal and also the zoning administrator's letter and stated he doesn't support the approval of the Conditional use Proposal #78 due to chemical use. The area is zoned residential and there's always a fear of chemical use and he feels it is too risky to the ground water. Mr. Wietala feels the Township doesn't need to encourage these types of home occupations. He also stated that he hopes everyone who lives in this area is careful with chemicals since everyone has wells

Stephanie Gencheff, 597 Lakewood Lane, stated that this property doesn't really bother her, but an R1 district should remain R1. The only mitigating circumstance Mr. Martin has given is that he only works out of his home 1 day/week. Ms. Gencheff stated she doesn't think that this is enough of a reason to allow a commercial business in an R1 district.

VI. OLD BUSINESS

A. Bayou Court Condominiums

Jennifer Thum, Township Planner, thanked Mr. Keller for providing an updated site plan to the Township. She explained that when she visited the Bayou Court Condominiums recently there was some noticeable changes that were not part of the original site plan. Ms. Thum explained to Dan Keller owner of the Bayou Court Condominiums that when you make changes to the site plan you have to go back to the Planning Commission for approval of these changes. Mr. Keller was unaware that he needed to do this and is present at the meeting tonight to explain the changes, answer any questions, and listen to any suggestions. Ms. Thum stated that the main concern at this point is the increase in the grade and how the drainage might affect the residents on either side of the condominiums and she asked Glen Van Neste to take a look at the property and provide his opinion.

Mr. VanNeste explained that he went to the property and in his opinion the side of the property closest to the Bayshore Veterinary Clinic should not experience anything different from run off then they did before. The residence on the opposite side of the property could possibly have a problem with run off from the roof if there was an unprecedented storm. Mr. VanNeste did state that the Bayou Court Condominiums have constructed a retention pond, installed a retaining wall, and added gutters to the roofs to channel excess run off to the bayou behind the

condominiums, but these don't take care of the potential run off problem for the residence most at risk.

Estelle DeVooght questioned where the retention wall was located and does it stop the normal run off?

Glen VanNeste replied that the retaining wall does not channel the water.

Dan Keller stated that they've made changes to the gutters to channel the water to the center of the Condominiums and then to the bayou. He also stated he believes that the top of the retaining on the residence side can be modified so water can stay on their property and into a pipe already in the ground and then to the planters.

Albert Denton asked Mr. VanNeste if there may be a landscape solution to this problem by building another wall to channel the run off on the other side of the property nearest to the residence?

Glen VanNeste stated that he felt that could be a solution.

Dave Cotton asked about the retention pond in the front and does the water from a normal rain go to the back of the property.

Dan Keller stated that the rain from the retention pond in the front is not channeled to the back.

Jennifer Thum and Randy Yelle will work with Dan Keller to try to fix the resident drainage problem. Ms. Thum will provide an update to the Planning Commission at the December meeting.

B. Cellular Tower

Jennifer Thum, Township Planner, reported that Mr. Mattson (Minnesota Towers),

Randy Yelle and she have been looking for a suitable site to place a 175 ft. cellular phone tower near the intersection of US Highway M28 and US 41. Ms. Thum stated that the area being looked at within the specific range needed by Minnesota Towers, in her opinion, are not suitable for this type of tower.

Albert Denton suggested the property behind the Silver Creek Academy which is by the Township park, or by the Travelodge motel or behind Meister's green house, but he's not sure of the zoning. Mr. Denton asked Ms. Thum or Randy Yelle to look into the land behind Meister's Greenhouse and contact them as that land is in the same general area. Mr. Denton also suggested looking into the area by the Varvil Center on US Highway M28 to see if that area might be in the range Minnesota Towers is looking at for the tower. Mr. Denton also asked the public that if they have any suggestions, please call Chocolay Township.

C. Request for Proposal for Engineering Services

Jennifer Thum, Township Planner, reported that she wanted to update the Commission on this item. Ms. Thum has obtained samples of RFP's from different counties and is working on creating one specific to Chocolay Township. Ms. Thum will present this at the December meeting for review and changes. Ms. Thum stated that she will also include a grading scale at the end of the RFP for awarding engineering services and the awards should be based on the company knowing the area and should not go to the cheapest service.

VII. NEW BUSINESS

A. Conditional Use Request #78, Proposal for a Home Occupation to Fix Transmissions on Automobiles and to Work Out of His Garage

Jennifer Thum reported that Mr. Gregory C. Martin has requested Planning Commission approval of a Conditional Use Permit to allow for approval of a

home occupation to repair and rebuild transmissions on his property located at 632 Lakewood Lane. As required under the conditional use procedure, a notice has been published in the paper and all property owners within 300' of the property have been notified. Ms. Thum also stated that several letters were received against this proposal and a letter of support from Mr. and Mrs. Love. This proposal has the potential to be hazardous and could be detrimental to ground water, wildlife, etc. This type of business is not permitted in an R1 district and is only permitted in a commercial district.

Mr. Gregory Martin stated that there are numerous businesses being operated on Lakewood Lane and reiterated that he understands the environmental concerns and is more than willing to work with the DEQ to be in compliance. He also stated that this business does not generate any oil, as he won't accept transmission with oil. Mr. Martin has taken precautions for oil and mineral spirit concentration. He also stated that he doesn't generate enough business to rent or buy property and that is why he is seeking this conditional use request. Mr. Martin also stated he did some research on the computer and according to the DEQ standards, he has so little amounts of oil that it barely registers. He also stated that he has taken extra precautions in case of a small oil spill.

Dave Cotton stated that it appears that Mr. Martin is an expert for this type of specialty work and this doesn't seem like it's an automotive repair shop.

Steve Kinnunen stated his concerns about Mr. Martin taking business away from businesses that are zoned for this type of work in Marquette County.

Mr. Martin stated that he is fulfilling a niche and is now assisting Marquette Transmission & Auto Repair, as they don't have a person that does this type of work.

Estelle DeVooght stated that there are not many people in Marquette County who fix transmissions.

Randy Yelle cautioned the Commission about allowing this type of business in an R1 District, which could create many problems in the future.

Albert Denton, Moved, Seconded by Steve Kinnunen, that after review of Conditional Use request #78, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 107, and 701 of the Zoning Ordinance, the application and staff comments provided, and subsequently **not finding compliance** with the standards for approval of the request found in section 701 of the Zoning Ordinance, the Planning Commission **denies** Conditional Use request #78 for the following reasons:

1. The proposed home occupation is not a fitted use under the R-1 Zoning District and allowing this type of use would go against the Township's Zoning Ordinance.
2. The applicant would be handling hazardous material such as Transmission fluid and oil that could be detrimental to the groundwater.
3. The proposed home occupation has the potential to interfere with the general enjoyment of the neighboring properties.
4. The proposed home occupation really does not improve the surrounding neighborhood.

Ayes 5. Nays 1. Motion to deny this request approved.

Estelle DeVooght explained to Mr. and Mrs. Martin why she voted no on Conditional Use Request #78. Ms. DeVooght stated that many people in the Township have home occupations and have never gone to the Township for approval. Ms. DeVooght also stated that she doesn't agree with the way this request materialized or how it was handled.

B. Conditional Use Request #79, Proposal to Build an Accessory Housing Unit onto an Existing Single-Family Dwelling Unit.

Jennifer Thum reported that David and Jill Leonard, 990 Valley Road, have

requested the Chocolay Township Planning Commission to review a Conditional Use Permit to allow for approval to construct an accessory housing unit addition to allow for an elderly parent to live with them. As required under the conditional use procedure, a notice has been published in the paper and all property owners within 300' of the property have been notified. Jennifer Thum also stated that Fred Benzie from the Health Department asked that she include that if 2 or more bedrooms are added that Mr. and Mrs. Leonard will have to have their septic system reviewed to make sure it can handle the additional capacity.

Dave Cotton Moved, Albert Denton Second, that after review of Conditional Use request #79, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Sections 211, 107 and 701 of the Zoning Ordinance, the application and staff comments 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 #79, with the following conditions:

1. That the proposed accessory housing unit does not increase the floor area of the single-family dwelling unit by over 30%.
2. Upon approval of this accessory unit, the owner(s) shall file an affidavit with the Registrar of Deeds giving notice that the accessory housing unit of the involved parcel is for temporary use by a parent(s) or grandparent(s) related to the owner.
3. This conditional use is good for 5 years. After that time is up the applicant is required to come back to the Planning Commission for an extension.
4. Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements, that are functionally create a separate dwelling unit.
5. A zoning compliance permit shall be obtained from the Chocolay Township Zoning Administrator.
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 approved.

David Leonard, 990 Valley Road, stated that when he purchased the house he checked the septic system and found they were already in violation as they had a steel tank for their septic tank. Mr. Leonard stated that he has upgraded his septic system to a concrete tank from a steel tank that holds up to 1,500 gallons rather than the 1,200 gallon requirement by the Health Department. Mr. Leonard stated to the Commission that he believes they have met all of the requirements asked of them by the Township. Mr. Leonard asked about clarification of #6. Mr. Denton instructed Mr. Leonard to contact Randy Yelle and he will explain #6 to him in detail.

C. Private Road Language

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table private road language until the December meeting.

Ayes 6. Nays 0. Motion Approved.

D. Height Definition Language

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table height definition

language until the December meeting.
Ayes 6. Nays 0. Motion Approved.

E. Proposed Zoning Ordinance

Randy Yelle explained to the Commission that he just received today, the draft zoning ordinance revisions, the County road specifications and the comprehensive plan. Mr. Yelle stated that the Planning Commission members should consider tabling this until the December meeting so they can review the new language.

Dave Cotton motioned, Dennis Magdanz seconded to table height definition language until the December meeting.
Ayes 6. Nays 0. Motion Approved.

VIII. PUBLIC COMMENT

Tom Thomas, 673? Appleway Trail, stated that he feels the existing private roads should not be affected by the new ordinance.

Tom Shaw explained that the changes in the new ordinance pertaining to private roads will be from the point the new ordinance is put into effect and shouldn't change the private roads that were already approved unless they want Marquette County to assume responsibility for them.

Lisa Niemala, 111 Lara Lei Trail, stated that she feels the current roads should be grandfathered in and not subject to the new ordinance changes. Albert Denton and Steve Kinnunen explained that Mr. and Mrs. Niemala's private road has already been presented and approved by the Planning Commission and the new ordinance will not affect that approval.

Chris Nettleton, 130 Maple Road, stated that he submitted an application for a conditional use request for a bed and breakfast at the end of September. He would like to know why this request is not on tonight's agenda.

Randy Yelle stated that he needed Mr. Nettleton to submit some further documents and this has now been done. Mr. Yelle will contact Mr. Nettleton at the beginning of next week. Mr. Yelle also stated that he believes this be on the December Planning Commission meeting agenda.

Frasier Simpson, 231 Kawbawgam Road, asked is a road or a driveway is being built behind Kawbawgam Road?

Randy Yelle stated that Paul Smith has a 66 ft easement to his property in back of the easement and is putting in a driveway as he wants to build a home back there. Mr. Yelle has been unable to contact Mr. Smith to speak to him about it.

Elizabeth Delene, 232 Kawbawgam Road, stated that she came to the Township office to inquire about Mr. Smith obtaining a permit to put in a driveway on the property located on Kawbawgam Road and the Township, but they were unable to assist her at that time. She then contacted the County and they don't have a permit for this project either. Albert Denton replied that he believes this is a County issue and not a Township one so the County will need to address this issue.

Stephanie Gencheff, 597 Lakewood Lane, stated that she feels that the Bayou Court Condominiums is an atrocity and the drainage problems they are experiencing is of their own making. She encouraged the Commission to require grading permits before the work is actually done. If Bayou Court Condominiums was going to build a plateau to place condominiums on, why didn't they have to take into consideration the average surrounding grade?

Patricia Martin, stated that she is very dismayed by what happened pertaining to Conditional Use Request #78. It appeared to her and her husband that the decision was already made before they were able to present their request. Ms. Martin stated that they paid \$250 to be able to request conditional use #78 and that is a lot of money to pay. She also stated that when she came to the Township office to get

copies of the letters that were submitted pertaining to Conditional Use #78, the letters were in 2 different envelopes and she feels she wasn't given all the letters. Ms. Martin requested a written response on how the recommendation was done within 10 days. She also requested information on how to appeal tonight's decision within 10 days.

Stan Wittler, 124 County Road 545, asked if the new ordinance will require a 66 ft right of way for a private residence on the property? His concern is not only the 66 ft. right a way but whether he will be required to pay for a private road so his son can have access to the property if he decides to build a home on this property.

Estelle DeVooght stated that she was under the impression that the new private road ordinance pertaining to driveway requests such as Mr. Wittler's was going to be changed to better reflect the changes the Planning Commission discussed previously.

Lee Blondeau, 30 N. Tracie Lane, stated that he would like to make a formal request to rezone his property from a C1 Commercial district to a permitted use. He stated that Blondeau Trucking has been at the same location for over 50 years and at this point in time there is no other available land in the Township to move and expand. Randy Yelle stated that he will meet with the Township Attorney to see if this property could be approved as a conditional use and report back to at the December meeting.

IX. COMMISSIONER'S COMMENTS

There were no Commissioner's comments.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Township Planning Commission minutes – September 12th, 2007, September 26th, 2007, October 3rd, 2007 Minutes**
- B. Proposed Planning Commission Budget 2008**
- C. Planning and Zoning Magazines**

XI ADJOURNMENT

Tom Shaw motioned, seconded by Dave Cotton to adjourn the meeting. The meeting adjourned at 9:07 p.m.

Albert Denton, Chairperson

Laurie Washaw-Eagle, Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING
Monday, October 29, 2007 @ 7:00 PM**

I. MEETING CALLED TO ORDER / ROLL CALL

Present: Chairman Albert Denton, Vice Chairman Tom Shaw, Estelle DeVooght, Dennis Magadanz, Ken Tabor, Steve Kinnunen

Absent: Dave Cotton

Staff Present: Jennifer Thum (Director of Planning and Development), Randy Yelle, (Zoning Administrator), Laurie Vashaw-Eagle (Recording Secretary)

II. APPROVAL OF OCTOBER 8th MEETING MINUTES

Albert Denton motioned to table until the November 12, 2007 meeting, the approval of the minutes from the 10-8-07 meeting seconded by Dennis Magadanz.

Ayes 4. Nays 0. Motion approved.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Dennis Magadanz motioned to approve the agenda as written seconded by Steve Kinnunen. Ayes 4. Nays 0. Motion approved.

IV. PUBLIC HEARING

Final Draft of Zoning Ordinance

Pat Coleman, U.P. Engineers and Architects, summarized revisions and additions to the Final Draft Zoning Ordinance, which is the result of many months of work, public hearings, work sessions, etc. The revised final draft zoning ordinance addressed all of the recommendations made related to the comprehensive plan that was created for Chocolay Township last year, which called for the creation and consolidation of various zoning districts. Some of the zoning district changes are RP and OS were zoned agricultural. The RR2 district was eliminated by modifying the agricultural forestry district to include the same uses and to allow minimum lot sizes of uses by right of 20 acres. The RR1 district was eliminated by consolidating that into the agricultural forestry or R2 district to be consistent with abutting property. Lakeshore (LS/R) is now called Waterfront Residential for Lake Superior and some of the inland lakes and streams. Also, consolidated R1, 2, and 3 to R1, created R2 for all of Harvey where most residential was non-conforming, but will now be conforming in terms of their lot sizes to eliminate a lot of variance requests and Zoning Board of Appeals requests. R4 was renamed to multifamily residential, C3 was renamed Industrial and what used to be public land will be changed to municipal properties (MP).

A lot of the text was cleaned up in the draft ordinance. In the past there was a convoluted process if you did have a non-conforming lot, you would first have to have it classified as Class A or Class B. This will be changed to you're either conforming or non-conforming. The height definition and methodology was revised for determining height. We tried to make this definition very clear. Mr. Coleman stated that a lot of definitions to clarify their meaning. In the Comprehensive Plan one of the goals was to encourage Rural cluster development was encouraged rather than spreading this out all over the Township and language was added to allow this in certain zones.

The Township for the past few years has been working with other local governments in Marquette County to in regards to access management on M-28/US 41 as more and more development occurs there will be a need for more driveways and then the road will become more congested and more accidents will occur. Access management is to try to reduce to a minimum the number of curb cuts on the highway. Any future development on M-28 or US 41 will be subject to access management provisions that are in the new ordinance.

There is a lot of concern pertaining to outdoor wood boilers and wind energy conversion as energy costs increase and the Township has created some regulations that would allow for wind energy conversion and outdoor wood boilers under certain conditions.

Another big proposed change is if someone wants to build a private road it must be built to county standards so the county will take over the maintenance and responsibility for that road. The new ordinance will eliminate the private road requirements and require that all development would be located on public roads. There is also a section that is added to the ordinance to regulate fences.

STAFF COMMENTS:

No staff comments at this time.

BOARD COMMENTS:

No Board comments at this time.

V. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane, inquired that if R4 is rezoned to multifamily residential, is there still an R3? Mr. Coleman responded that this was consolidated into the R1. In a rural cluster development subdivision the multifamily residential district and the agricultural forestry district have minimum lot sizes of 1 acre, but when you go into the R1 you are dealing with a lot smaller lot size with a minimum lot size of 25,000 sq. feet and if she owned 5 acres and decided to sell it to a developer he could then put 8 units on it and put all the units on one half of the 5 acres will this be possible. Ms. Gencheff questioned set backs in an R1 district and the ordinance only addresses set backs as 500 foot set back from a farm and doesn't pertain to a and R1 residential district. She also voiced her concern about open space being encouraged in a rural cluster and the way a rural cluster is laid out it could affect the properties on either side of it and she feels that the Township should require open space to be along the perimeter. She strongly objects to a cluster development subdivision to be allowed in an R1 district where a minimum lot size is 25,000 sq. ft. and the Township could end up with less density and a much denser population than the residents of Chocolate Township would want.

Maggie Meiss, 105 Wright Street, voiced her concerns about the truck traffic affecting the air quality in her neighborhood pertaining to the contractor's yards and stated that the traffic that goes by her house currently has created a vibration resulting in her foundation cracking. She also expressed concern about the truck traffic and noise that goes on all night, which is not supposed to be allowed from 9PM to 5 AM. If someone would like to put a trucking business in this area, they should be required to put them in an Industrial Park and not in a residential area.

Jim Clark representing Dr. John English, questioned the elimination of private roads except for an AF property if in a PUD district could you still do a private road with a PUD plan? Mr. Clark stated that this requirement would add significant cost to the development and it should be required recorded in the deed that the owners would have to maintain the road and he doesn't see the purpose for a public road within a PUD. He voiced his opposition of the wording in the new ordinance and there should be some sort of exception for the PUD designation upon approval of the Planning Commission. Another concern Mr. Clark has the huge gap in the residential land by the elimination of the rural residential districts i.e., R1 25,000 sq. ft, R2 10,000 sq. ft, and FR 20 acre sites, etc. There seems to be a big gap between high density residential living and rural living. Mr. Clark stated that he also opposes the RR2 designation (pg 44), which he feels should be possibly zoned as transitional zones. Mr. Clark also voiced his concern that in a cluster development the cost of the road required by the ordinance would be more expensive than the land and if you did a PUD it would cost the average person \$10,000 to \$15,000. It seems there is no middle ground for required lot sizes. Mr. Clark also suggested the Township require property owners on a private road to have a covenant provision to maintain road maintenance or require that property owners be required to create a performance bond to insure the road will be built to standard. Mr. Clark also stated that another way that a private road could be handled is by completing a Land Division with Private Road Application and place a covenant upon the application stating that maintenance provisions for every lot and needs to be dictated, and keep the same standards as are already there as they're good standards. Another mechanism that can be used would for the Township to require the property owners to put up a bond for the road and maintenance. If the road is not kept up the bond will be used.

Glenn Van Neste, 1402 Kimber Street, asked if you bring the private road up to county road specifications, does that include black topping? What if you only own 1 parcel of land and it's only going to be 1 parcel and your driveway is 200 ft. because it goes along one lot to get to another parcel of land in the back, are you going to require county road specifications? Mr. Coleman stated no as long as you have frontage. Mr. Van Neste asked what if you have an easement? Mr. Coleman stated that an easement might qualify as frontage. Mr. Van Neste stated that this would be very burdensome so someone building on one lot. He also cautioned about the use of the word "Lot", "Parcel" and "Unit" as they should be used appropriately in the ordinance as there has been many court cases in the State of Michigan for inappropriately using these words. The word "Site" when it comes to condominiums and should be eliminated from the ordinance. The word "site" is not recognized by the State of Michigan the word "condominium" is the correct term.

John English, 450 E. Ohio Street, stated that he has a question about the public/private road issue and commented about the front page of the Mining Journal in regards to the County not having the resources to take care of some of the Township's roads and his question is that if Chocolay is requiring the private roads to be up to county standards are they responsible to service the road and if they are what is the Township telling us.

Bob LaJeunesse, 407 Little Lake Road, commented that Marquette Township does not have the funding to take care of the roads they have much less more roads. Mr. LeJeunesse also stated that he disagrees with the private road ordinance as he has property in the Varvil Center and this change will make that road non-conforming.

Lee Blondeau, 30 Tracie Lane, questioned where did the access management plan originate from? Mr. Coleman explained that it was created with the input of Chocolay, Marquette, Marquette Township, Negaunee and Negaunee Township. In summary the management plan means that every existing parcel of land less than 500 ft. will be allowed 1 driveway and every parcel of land greater than 500 ft. will also be allowed 1 driveway but may be required to build frontage roads, connected parking lots or other types of other alternative access points. The existing driveways in Chocolay Township will be allowed to stay, but if the MDOT decides to do a project they will negotiate with the owners to reduce the driveway access(es) to make it more safe. Mr. Blondeau questioned Private Roads (pg. 49) in regards to all existing lots on private roads becoming non-conforming and appears that it will be burdensome to property owners. Mr. Blondeau questioned the "I" district and stated that the Township should consider expanding this district as currently there is no open space for more "I" district. Mr. Blondeau also inquired as to the timeline that the new zoning ordinance will become effective. Al Denton stated that this is the last public hearing that will be held by the Planning Commission and once the Commission approves the new ordinance, it will be sent to the Township Board for their approval before it is enforced.

Leroy Blondeau, 1 Heidi Drive, stated that he has developed Edward Trail, which is a private road and was put in properly and still has 3 more parcels to sell will these lots be non-conforming? He stated that the road is a good road and is maintained and feels that he should not have to bring the road up to county standards. He suggested that the Township have its own specifications for private roads. Mr. Blondeau stated that when building a private road you're going to encounter two different standards i.e., county specs and the Township specs, which are different. He is opposed to the new ordinance pertaining to private roads and stated that the Township should have their own specifications for private roads and not make them all non-conforming with the new ordinance.

Bob Cambensy, 306 N. Sixth Street, commented that he feels the Township is making a mistake pertaining to making parcels non-conforming. He feels this will be more burden on the Zoning Appeals Board and will create a lot of problems. He voiced his concern pertaining to required acreage in an agricultural district, but has concerns with the elimination of the 5 acre zoning. Height definitions (pg. 9) and voiced his concern about measuring from the "original ground" and stated that some people will remove dirt and/or grade the lot to increase or decrease the original ground. The definition should be made more clear such as incorporating that "height measurements need to be taken prior to the breaking of the ground" or consideration could be given to determining a grade by how far the development is from the lot line. Mr. Coleman stated that he could provide some alternative definitions for consideration. Mr. Cambensy also commented that the County doesn't want nor does it have the resources to maintain frontage roads.

John Swanson, 2366 U.S. 41 South, requested clarification pertaining to pg. 49 in regards to frontage road requirements and easement or other right-of-way not less than 66 feet and would this apply to commercial property. Mr. Coleman stated that if the property doesn't have frontage on a public street or a public road then you would have to create an access road that meets county standards.

Gary Niemela, 111 Laralei Drive, provided a short history of his property and the building of his private road so his kids could play safely and he and his wife could walk their dogs safely. Mr. Niemela has taken extra precautions to preserve the trees and vegetation on his property. Mr. Niemela voiced his concerns in regards to private road safety concerns and feels that they are unfounded as he's had to deliver building materials on many private roads and has never encountered the inability to do this. He also questioned if Marquette County has the resources to take on more roads once the revised zoning ordinance is put into effect. He stated that making private roads non-conforming especially for those who maintain a good and well-maintained road is unfair. He stated that he feels it is important for the Township and the residents to give each other respect and consideration before making a lasting and costly decision.

Stanley Wittler, 124 County Road 545, made a suggestion to the Planning Commission to look into a better way to inform the public so the public can be better prepared for such meetings. He also stated that not all properties are directly on public roads and why should someone need 20 acres to build a home? Why eliminate the 5 acres? He also stated that the Township should let more people give input into the Zoning Ordinance changes.

Janet Amundsen, 2029 M-28 East, commented on the rural cluster development is for low density, and a rural cluster subdivision talks about high density (pg. 52) and stated that parking lots, paved areas, roads, etc. should not be part of the open space. On page 53 it should be required that not only the quality of the water, but the quantity of water should also be looked at for rural cluster developments. She also stated that she disagrees with 55C, which could give the developer a bonus of 52% to develop and 48% open spaced. She asked for clarification of the overlay for snowmobile trails and the requirement of a 50 ft. set-back and she questioned set-back from what? Mr. Yelle explained that this requirement is for snowmobile trails on private property and not the State trails. Ms. Amundsen also pointed out a couple text errors, i.e., "4.11 PUD" on page 22 there is no 4.11 as it ends with 4.10 and PUD is under 4.09 and it goes from 4.7 to 4.10 so there's some discrepancy there. On page 14 where it states See Section 6.5 for zoning districts, this should be 6.6.

Mark Maki, 370 Karen Road, commented on pages 20 and 21 in regards to the zoning districts. On page 20 there's an agricultural/forestry district and what has been added to the zoning ordinance at some point in time after April, 2007, for building contractor yards and shops. His concern is that if this ordinance is passed a large contractor could go into a residential part of the Township and put up a contractor's yard with approval of a conditional use from the Planning Commission and a Public Hearing. Mr. Maki questioned contractor's yards and shops being added to the commercial district. Mr. Maki stated that why would you encourage someone to put up a contractor's yard next to a nice restaurant?

Mr. Coleman stated that it's not in the ordinance yet as this is a draft and Mr. Maki's concerns will be noted. He also questioned #8 on page 20 under conditional uses other uses deemed by the planning commission being in the same general character as those permitted by a conditional use. How would that process work? How does the Planning Commission make that determination? Would it be before the public hearing on the issue or during the process? Mr. Coleman stated that the determination would be made during the process automatically then it will be considered a conditional use and goes before the Planning Commission and the community.

Mr. Coleman in summary stated that the main issues he's hearing out of this public hearing and the new zoning ordinance are private roads, rural cluster development, access management, and lot sizes. He stated that the Township Planning Commission will deliberate all of these issues and make changes as appropriate.

VI. OLD BUSINESS

No old business to address at this time.

VII. NEW BUSINESS

No new business to address at this time.

VIII. PUBLIC COMMENT

Refer to V.) Public Comment for all public comment.

Lee Blondeau, 30 Tracie Lane, provided the Planning Commission members with a copy of “Michigan’s new Contract Zoning Laws”, which gives municipalities and developers more flexibility and options than ever to promote efficient, sensible, and thoughtful land use.

IX. BOARD COMMENTS

Steve Kinnunen commented that the standards are already there for private roads and seem to be working well. Mr. Kinnunen also stated that the Township should obtain and compare the revised Marquette County’s Road Standards against Chocolay Township’s standards. Mr. Kinnunen stated that he feels we should stay with the new standards.

Estelle DeVought commented that the Planning Commission needs to follow the Ordinance and not grant permission for slight variations as this will cause problems in the future.

Mr. Coleman, the Board Members and staff discussed whether they should allow private roads in the Township or stay with the current private road standard. The property owners must be required to meet the Township specifications/standards. Discussion also ensued in regards to how the Township would be able to monitor private roads for maintenance and compliance with the specifications/standards. Chocolay Township does not have anyone at this time to be able to monitor private roads. Mr. Coleman stated that some of the definitions that were discussed will be made clearer and the corrections will be made. Mr. Coleman also stated to the Board Members not to just think of the current situation you should think that the property owner’s should legally protect by easement other owners on the property so they have access to their property from a public right-of-way and to avoid land locking.

Tom Shaw commented that other Townships must be having these same type of challenges and Chocolay Township should research this.

The Planning Commission will obtain Marquette County’s Road Commission standards and research how other Townships are handling these types of issues. The Planning Commission will decide if they want to keep the private road requirements as they are and put a provision in there for inspection. Mr. Coleman cautioned that if you send someone out to inspect the road, the Township would be assuming responsibility that it was in fact built properly and if anything goes wrong, the property owners are back complaining or keep the new public road standard in with revisions. Discussion also ensued that there are other options that property owners can take in regards to the private road standard. Mr. Coleman stated that the Township has the mechanisms that state if property owners want to develop there is the PUD, which gives much flexibility or there is the rural cluster subdivision provisions. The items to be discussed further at the November 12, 2007 meeting and will include lot size i.e., MMR - should we stay with the 20 acres for multifamily dwellings such as mobile home parks, staff will research if there is a better way to define height measurement, private roads, and rural cluster development. Information will be gathered and provided to the Commission members prior to the next November 12, 2007 meeting.

Albert Denton motioned, seconded by Ken Tabor to address the above items at the November 12, 2007 meeting.

Ayes 5. Nays 0. Motion approved.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

No informational items or correspondence to address at this time

XI ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Albert Denton, Chairperson

Laurie Vashaw-Eagle, Recording Secretary