

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 6, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:31 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Members Absent: Andy Smith (Vice Chair)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. MINUTES

December 2, 2013

Motion by Ventura, seconded by Bohjanen, to approve the minutes as amended (correct spelling of “resondents” to “respondents” on page 3, modify sentence regarding the Beaver Grove Agriculture Area per Sikkema page 5).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Meister, to approve the agenda as amended (add item VIII.C Dairy Processing Facility).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Work Session on the Master Plan Chapter 4

Woodward said she'd like to send Chapter 4 to the Township Board for reading on February 17 if the Commission can get through the entire chapter either tonight or through e-mail comments in the next week.

Bohjanen wondered if “Resilience in Community Systems” is the appropriate title for Chapter 4 since there is a lot of work to be done before the Township can be called resilient. Ventura said the chapter points out openings for failure and proposals on

how to achieve resilience; if we follow through, we will be more prepared for what comes in the future. He gave an example of an action that could create better resilience. Sikkema said the chapter does relate to community resilience, it's just about whether we have achieved it or are working toward it. The Commission decided to change the title to "Working for Resilience in Community Systems".

Page 28, Ventura requested an explanation of the remaining revenue sources. This will be added to the commentary.

Page 30, change "underutilized non-residential areas" to "underutilized existing commercial areas". The purpose is to be consistent with the goal to increase tax base but still preserve rural character.

Page 31, change the word "modest" to "small" to reflect actual survey text in relation to tax increases. Sikkema likes the idea of having a Capital Improvement Program.

Page 32, change "K.I. Sawyer" to "Sawyer". Also include information on rail with nearby transportation modes.

Page 33, Sikkema said the State's population increased in the last year. Change sentence to say, "The decline in the State's population between 2000 and 2010 and increased fuel efficiency resulted ..."

The process for levying special assessments for private roads was discussed. The Commission also discussed the idea for an all-weather transit station, and whether there was a need based on long waits for connections. It was decided that this type of station might encourage greater use of transit and serve a developing need, and would be appropriate considering our climate.

Page 38, Sikkema asked if the Township has a Complete Streets ordinance. Woodward was not sure. Sikkema said the Township might want to consider that. Sikkema said there was good information on the water system that he wasn't aware of.

Page 41, Sikkema asked that there be further explanation of what the "shortfall" means. It refers to there being no money put into the sewer fund to fix failing infrastructure. In addition, there was a lack of certainty regarding the status of regional electric generation and potential rate increases. Say only "Fiscal feasibility of the sewer system is also related to energy costs", and "Increases in energy costs will continue to raise operating costs". Choccolay's potential role as an energy producer was discussed. This could include small scale methods such as solar panels or small wind turbines to power Township facilities.

Page 44, Bohjanen said he is somewhat cynical when it comes to the statement that "reducing consumption will reduce energy costs" because power producers have fixed costs, and if consumption declines, they may increase rates. He said the only way we can control costs is to produce our own power through methods such as solar and wind farms. Sikkema said this wouldn't necessarily reduce costs either because of the capital expenditure associated with this infrastructure.

Sikkema said he is not sure about the need to establish an “emergency fuel fund” because this would not involve a great deal of money and the Township already has funds in the bank. Bohjanen said this is also already reflected in the budget. No text change was suggested.

Page 46, next to last paragraph, change the word “facilities” to “measures” to make it more clear that the incentive involves ensuring that property taxes don’t increase because of energy improvements. Bohjanen said that the Township will recoup this value anyway eventually, because when the properties are sold, the energy improvements will increase the value and translate into tax increases for the new owner, not the person who installed the improvement.

Page 50, provide more information on Commission discussions and actions regarding agricultural regulations thus far and the importance of the issue.

The Commission approved all recommended staff changes to incorporate climate-responsive design strategies.

The Commission took time to read the new materials presented that evening so they could conclude the entire Chapter 4 review.

Page 57, provide more information on recycling of other materials such as fluorescent light tubes and organics.

Page 59, provide more information on the water quantity issue in relation to increasing density, and whether density is feasible. Sikkema said this is a good discussion on density. The Commission discussed their perceptions of citizen acceptance of density. Supervisor Gary Walker said there is no place in Chocology Township where additional density will provide the same benefits of walkability as Marquette, because there are fewer activity centers. He said he is not sure that competing with Marquette in this way is something to aspire to. Sikkema said he knows people who would like to age in the Township but don’t have that option because suitable residential options don’t exist, so they have to move to Marquette, or they accept a lower quality-of-life because they don’t want to move to Marquette. Woodward said that residents may be more accepting of diverse residential options if they were put in the same room with others discussing these needs. Bohjanen said he has heard no complaints about the senior housing on Cherry Creek Road, and it’s nicely located for walking to the grocery store and other businesses. Sikkema said if a district is developed to support that, then MarqTran may service the area.

Page 60, point out that another reason for the 20 acre minimum lot size in the AF district was to maintain rural character. Meister asked about the acceptability of the idea for small stores in neighborhoods, and how this would be achieved. Woodward said she proposed to achieve this through an activity nodes overlay. Bohjanen said someone tried to get zoning for a convenience store at the corner of Kawbawgam Road and M-28 and it met with tremendous opposition from residents. Sikkema said many people walk to Kassel’s Korner from the neighborhood. No change was made.

Milton asked “what is a form-based code”? Woodward said it is using the zoning ordinance to shape the public space with a certain scale and appearance, placing lesser emphasis on use and more emphasis on form, such as how the building fronts the street, the height, straight or stepped facades, etc. Sikkema said it’s a way of creating character. Ventura said it allows for changes in use without complicated processes. Woodward said it only gets implemented with new development or redevelopment.

Meister suggested providing for rezoning in case there is no suitable existing location for a particular desirable use. For example, he said there was nothing suitably zoned for his business when he started it, and no existing developed lot would have suited the purposes. He doesn’t think we should force someone into a PUD. He doesn’t want to make more land available ahead of when it is needed, but also doesn’t want to prohibit opportunity. Bohjanen suggested the PUD provisions could be redesigned to accommodate this. After discussion, the Commission decided that following the statement, “The Township should resist zoning more vacant land available for commercial or industrial development until the existing developed areas are more fully utilized with the exception of PUD projects”, ADD “; but rezoning could be considered if there are no suitable properties to accommodate the development. An alternative is to redefine the PUD provisions for these purposes”.

B. Work Session on the Recreation Plan

Throenle said the primary focus is the staff recommendations for climate-responsive design and the blanks filled in since the last review.

Bohjanen said he thinks it’s a great document, an extensive document. He had some corrections including page 7, substitute the word “incurred” for “occurred”; page 9 delete redundant “and”.

Ventura, page 9, substitute “James” for “Jesse” for the James D. Jeske wildlife flooding.

Bohjanen, page 13, check spelling of “predominately” vs. “predominantly”. Page 18, property donated by Wick “west”, not “east” of Kawbawgam Lake. Page 103, Voce Creek property is on the left as you travel south, not the right, but substitute the word “east”. Page 101, Kawbawgam Pocket Park is on the “left” not the “right” when heading south.

Ventura, page 25 and 27 charts, the legend is confusing because the same letters are used for different amenities. It was decided not to repeat the letters within the chart.

Milton questioned the poverty Census figures on pages 4 and 5. Discussion followed for the purpose of understanding the data.

Meister said it’s well done and will be easier to update next time.

Mahaney said it’s very comprehensive, an asset for the Township; it increased his awareness. He thinks it would really benefit the Township if more of the residents

knew what we have.

Bohjanen, page 4, change “Marquette Branch population” to “Marquette Branch prison population”.

The Commission approved all staff recommendations relating to climate-responsive design.

Ventura said he also feels the plan is an asset to the Township, and complimented Throenle on his efforts. It will be especially helpful when applying for State recreation grants as this is what they’re looking for.

Bohjanen moved, and Ventura seconded, to approve the 2014 – 2018 Recreation Plan draft as changed, including additional materials on climate-responsive design, and to make it available for the required public comment period.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Potential Dairy Processing Facility

Woodward explained that she was first approached by Jason Schneider of Accelerate UP, and then by the entrepreneur, with an inquiry regarding a start-up dairy processing facility and suitable sites. Woodward researched available properties and presented contact information to Schneider. The entrepreneur has decided one of these locations could be suitable for this purpose.

The question tonight is how to handle this use in relation to the zoning ordinance. The site is in the Commercial District. Dairy or food processing facilities are not listed under either permitted or conditional uses at this time. However, the Commercial District recognizes, as a conditional use, “Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses”. Woodward asks the Planning Commission to determine whether a “dairy processing facility” is of the same general character as a “bakery” or other allowed use. A “bakery” is a permitted principal use in the district. The zoning ordinance addresses “food packaging and bottling works” as a permitted use in the Industrial district, but does not mention it in any other district.

The use is expected to utilize 800 to 1,000 square feet of space initially. Raw milk delivered from local farms would be processed and distributed by retail or wholesale means. The applicant has been in contact with the Marquette Wastewater Treatment Plant and the licensing agency.

Sikkema asked some questions regarding the potential operation and the potential methods of approval. Mahaney asked what makes this proposed use similar in character to a bakery. Woodward said both operations use heat to process raw materials into food products. Mahaney asked about the waste products. One solid waste component is whey, which the applicant expects to divert as a feed source to farms. The other would include liquids with cleaning solutions and milk residue. The potential location has public sewer.

Ventura asked about the suitability and capacity of the water supply. Woodward said that would be a Health Department issue.

Meister said he thinks it would be very much like a bakery in the processes involved in food production, and this is a legitimate way to process the application.

Sikkema had a question regarding potential expansion, and the differences between an operation like Huron Mountain Bakery and Bunny Bread. Sikkema asked what it would take before it was no longer a commercial facility but an industrial facility. Woodward said either scale of operation would be allowed as a permitted use under our Ordinance, because there is no distinction made. Meister said the site does limit the amount of activity that can occur. Woodward reminded the Commission that even if the use is processed as similar in character to a bakery, it would still be a conditional use that requires a public hearing and Planning Commission review. Certain parameters can be explored within the stated Conditional Use standards.

Woodward said the three choices are 1) process as a conditional use similar in character to a bakery, 2) amend the zoning ordinance to include this type of use in the commercial district, either as a permitted principal use or conditional use, 3) do not allow the use.

Mahaney said his opinion is that it's a conditional use. Walker noted that if the operation were to expand in the future, they would have to come back again to get approval under option #1. Mahaney and Meister said it seems like a good use. Sikkema said it would be a good use provided it's processed through a conditional use permit. Ventura concurred. Sikkema clarified that he doesn't want to chase the use out of the commercial district because this type of use is more appropriate in an area with sewer service.

Bohjanen moved, and Ventura seconded, to accept the concept of a dairy processing facility to be processed as a conditional use permit on the basis of the similarity to a bakery which is a permitted principal use in the commercial district.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Meister said the milk processing facility would be an excellent addition, there are a lot of cheese shops in Wisconsin that include a retail operation, and he hopes they go through with it.

Milton said he likely could not make the next meeting. Bohjanen said he will also be unavailable for the next meeting, as did Meister. The Commission decided to move the next meeting date from February 3 to February 10 because a public hearing and final approval of the Recreation Plan is involved.

Milton moved, and Meister seconded, to change the next meeting date from February 3 to February 10 at 7:30 p.m.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

No further comments.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News

ADJOURNMENT

Sikkema adjourned the meeting at 9:48 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 10, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Dale Throenle (Community Development Coordinator)

II. MINUTES

January 6, 2014

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister, seconded by Bohjanen, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Patty Stephens of Stephens Realty and Consulting in Marquette spoke as an agent of the federal court regarding a property at 208 Timberlane. This 2.5 acre parcel is an asset in a federal case, valued at \$88,500. Stephens said this parcel could be part of a Chocolay River water trail from Green Garden or Mangum Road to M-28 and the Marina. It would also make a nice pocket park. She invited discussion on the parcel.

Stephens said she had talked with Kelly Drake Woodward, Zoning Administrator, and Don Bode, Assessor, and wanted to comment on how professional they were, and she thinks they are great assets for the Township.

Sikkema asked how such a purchase would be handled. Stephens said that if the Township wanted to make an offer, she should negotiate with the federal trustee as the appointed agent. The sale would need federal court approval, and creditors would be given the opportunity to object.

Woodward offered a clarification that there had been discussion of the potential for a DNR acquisition grant which could take 1.5 to 2 years to implement. Sikkema said that is a long time frame, and asked if that would be an issue. Stephens said the Trustee has the liberty to accept such terms.

Sikkema asked if they should add this to the agenda as a discussion item.

Stephens said there is 375 feet of river frontage, and it's a very private property with electricity and point well.

After no further comments, public comment was closed.

V. PUBLIC HEARINGS

A. Public Hearing on the Draft Charter Township of Chocolay 2014-2018 Recreation and Natural Resource Conservation Plan

Cathy Peterson, 6341 US 41 South, said staff did a great job on the plan. It is well put together. She didn't get a chance to read the whole plan, but she wants the Commission to know she is opposed to anything that is bad for the people. If there is anything negative in the plan, she is opposed.

After no further comments, the public hearing was closed.

VI. PRESENTATIONS

A. Silver Creek Church use proposal

Pastor Kevin Taylor of the Silver Creek Church said he echoes the sentiments expressed earlier regarding professional treatment he has received from Kelly and other folks from the Township office and offered appreciation.

He directed the Commission's attention to page 2 of their proposal, Objectives. They propose the development of a thrift store ministry to be located in their current facility at 219 Silver Creek Road to serve the residents of Marquette County with quality second hand clothing and household items.

They ask the Commission to consider this activity a customary accessory use to the activities and function of their Church. They cited quite a few examples of churches that also have thrift stores involved on-site in their ministry. In the U.P., the Salvation Army locations in Escanaba, Hancock, Iron Mountain, Ishpeming, and Marquette at one time operated a thrift store in conjunction with their church. He also specifically mentioned the Maranatha Assembly of God in Kingford, MI, whose ministry center grew so much that they had to purchase an off-site facility to serve the 3,000 clients each year, caring for a broad range of needs in addition to food and clothing.

The Church anticipates the ministry will create a couple salaried positions as well as an atmosphere and opportunity for volunteerism and donations within the community. There will be environmental benefits as items are repurposed instead of taken to the landfill. They believe the affordable shopping opportunity will also draw people from various parts of the County into the Township.

They believe the ministry will benefit people from all socio-economic backgrounds, but the physical location will especially benefit low-income residents within walking distance. Taylor cited a study conducted in 2004 by Precept showing that in Chocolay Township 30% of homes are single parent homes, 19% of households are below poverty level, etc. This project allows them to continue to take the church to the community with possible future outreach projects such as a food pantry, addiction recovery, and supplies for emergency situations.

The footprint of the building will not change except for a canopy on the rear. They estimate the traffic flow will be the same or less at any given time, except there will be additional Saturday traffic. Jennifer Prus of the Church brought the idea.

VII. UNFINISHED BUSINESS

A. Recommendation on adoption of the Draft Charter Township of Chocolay 2014 - 2018 Recreation and Natural Resource Conservation Plan

Woodward presented an idea from the U.P. Disc Golf Association to turn the Kawbawgam Ski Trail into a multi-use system for miniature golf in the summer and ski / snowshoe trail in the winter. They'd like to be involved in the redesign of the system before replanting to accommodate this. This could be added to the Recreation Plan in the general action plan as a collaborative effort on State property.

There was a correction to a parcel number for the Beaver Grove Recreation Area. The title was changed to the 2014 - 2018 Recreation and Natural Resource Conservation Plan.

Sikkema asked about the Township role on the Kawbawgam Ski trail on State property. It is a DNR trail that the Township grooms. Sikkema suggested the disc golf group could deal directly with the DNR and the Township wouldn't have to be involved. Throenle said the Township would have to adjust their grooming to accommodate the uses.

Ventura inquired about the extent of the cutting of timber and whether they will go all the way to the lake. He is concerned about the steep slopes. Woodward said the area of the trails will be impacted, but she doesn't think the steep slopes and area near the lake will be impacted. The Township has a map, which they will make available to Ventura.

Throenle said it's relevant to the recreation plan in that the DNR would look for Township input on the use of the land. He said it would be a good addition to the plan for potential collaborations.

Bohjanen said that since we have other State properties listed in the plan, it wouldn't be a problem to list this potential project. Throenle said the project would be listed in the Action Plan under "General", last item page 64. It could be in either year 2014 or 2015, but if it was put in 2014 the group could get involved in redesign.

Ventura said it was appropriate since collaborations with other agencies and jurisdictions are included. Smith asked about the wording, and was referred to the memo. It references "working with" the group on the project, but doesn't mean the Township would do it. Throenle said the Township may get involved in the design and layout, but would not manage the disc golf trail. He said this could involve relinking the trail back to the Kawbawgam Pocket Park where it was originally. Woodward said a redesign would involve keeping some areas free of trees, and year round use would be beneficial. Ventura said it's similar to the dual-purposing proposed at Lion's Field.

Bohjanen suggested changing the words "work with" to "cooperate with".

Ventura moved, Bohjanen seconded, that after conducting a duly noticed public hearing, the Planning Commission hereby approves adoption of the Draft Charter Township of Chocolay 2014 – 2018 Recreation and Natural Resource Conservation Plan as changed by way of adopting the attached Resolution which also recommends adoption of the Plan by the Chocolay Township Board of

Trustees, with the addition of the correction of a parcel number for the Beaver Grove Recreation Area, and the addition of the disc golf proposal into the Action Plan as item 20 for 2014 to read "Cooperate with the DNR, U.P. Disc Golf Association and other interested trail stakeholder to design and redevelop (after forest management activities) the Kawbawgam Ski Trail as a dual-purpose trail accommodating an 18-hole disc golf course in the summer and ski / snowshoe / snowbike trail in the winter.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Consideration of processing the Silver Creek Church use proposal

Woodward said this permit would ultimately be processed by the Planning Commission, so she proposes that the Planning Commission give this a preliminary review to determine their preferred method for processing the request. Three means are suggested as follows:

1. Consider this activity as a customary accessory use to the Church, and process the request through a modification of the original conditional use permit. Under this option, the Planning Commission would be evaluating this particular plan in association with this particular facility and situation in accordance with the Conditional Use standards.
2. Process through Site Plan Review and a rezoning to Planning Unit Development District. This would make the Church a nonconforming use that would require ZBA approval for expansion unless civic uses are added as uses in the PUD district. Civic uses seem reasonable in the PUD district since they are typically less disruptive to neighborhoods than manufacturing or commercial uses which are allowed in PUD districts. This would require action by both the Planning Commission and the Township Board.
3. Zoning ordinance amendment to accommodate mixed-use as a conditional use, then process this as an amendment to the original conditional use. This would require action by both the Planning Commission and the Township Board.

Woodward said the ZBA could be consulted for an interpretation of whether this type of activity is always to be considered a customary accessory use, and that decision would then be annotated in the ordinance and set precedent for all other cases. She wasn't convinced that every situation would be the same, and thought method #1 would allow each situation to be judged on its own merit. Woodward supplied a flow chart graphic with these three options.

Smith asked Woodward her opinion on the accessory use question. She said the applicant has supplied convincing evidence of other churches who do include thrift stores in their on-site ministries, and based on the project description, it is evident the activities would be incidental to the principal activities of the Church. Taylor spoke to this issue, giving background on the Church's activities in this type of ministry in the Silver Creek Church Block Party. He said offering the items for sale at a reasonable price preserves the dignity for some people who are in need but find it hard to accept donations. This will allow the Church to connect with people in a new way.

Mahaney asked if the group foresees selling hard goods. Taylor said he expects people to donate things like that, although it's not their objective and a bit outside their scope. They would try to set limits for large items and stick to essentials. It's a donation driven ministry, however they could give people some direction.

Sikkema asked about planned hours. Prus said expected hours are Monday through Friday 11 to 6 and Saturday 10 to 3. Closed on Sunday.

The Commission discussed the dimensions of the store, which would be 60 feet by 70 feet, with additional private storage areas.

Milton asked about fire marshall review. Taylor said it's too preliminary, but their Board has discussed these things. The Church needs to approve it first.

Meister asked about opening date. Prus said October 1 is a preliminary estimate.

Ventura said it's a good proposal for that facility, and would serve the needs of the community. St. Vincent De Paul has more donations than they can get on the floor, so another outlet would be beneficial. He asked about a structural element as he was concerned about removing the center wall. Taylor said they didn't plan to remove the center supports.

Bohjanen addressed the customary accessory use idea, saying it's not very different except for the hours of operation from any other church bazaar, rummage sale, or chicken barbecue. He thinks the traffic impact would be less than the bazaar or rummage sale which might have 200 people in one day.

Sikkema said a garage sale is a commercial activity in a residential area, and the neighbors accept it because it's for a limited time period. But they might object if it was every weekend. He thinks it is a good thing for the community. But if you take it to the nth degree, a church that has an occasional barbecue might decide to open a restaurant, or start making furniture. So you have to be careful what you allow as an accessory use versus an intermittent activity. All the options require a public hearing and neighborhood input.

Mahaney said it's like a retail store. Prus said they believe most of the traffic won't enter the residential neighborhood, but will occur between the highway and the Church location. Ventura said there would be more vehicle traffic for the sporting events at the recreation area at one time than for the retail store that might have a few cars at any one time.

Meister said the conditional use would not make this acceptable for every church – each would be evaluated separately. He said this property would be appropriate for mixed-use zoning in the future, especially since it's buffered all around, which may not be the case at every property.

Sikkema said you have to be careful because you can't do for one what you can't do for all. You want to make sure it's fair.

Mahaney said the straightforward option is #1.

Smith asked if the Township attorney could be asked for an opinion. Woodward said that if the Commission wants an interpretation of the Zoning Ordinance that would apply to every situation, then it should go before the ZBA. The interpreter of the Zoning Ordinance is the ZBA, not the attorney. Smith asked if the ZBA

would consult with the attorney. Woodward said he gives input on legal implications of the Ordinance.

Meister thinks the conditional use approach does not create precedent. Ventura said that other accessory uses allow for retail sales, such as market stands. Sikkema said we would be saying that a retail use is an accessory use to a church.

Taylor asked for a clarification of whether the Church's non-profit status impacts that idea of what can be accessory.

Smith asked what if a church started making and selling Amish furniture – is that an accessory activity? Regardless of the use of the funds, is it an accessory activity? Sikkema asked if selling thrift items at a garage sale make that an accessory use to the home?

Throenle pointed out that not every facility could accommodate a use such as a restaurant in a church. This operation is meant to support community, and bring visitors to the Township where they will spend money. It will also draw people to the recreation area. He said it's a big leap to think a church in this area would open a restaurant or make furniture. They don't have the proper facilities. No exterior change is required in this facility to accommodate the accessory use.

Sikkema said that people may create a wood shop business at their home which is an accessory use. Woodward said that's a good point – that we do allow home occupations as an accessory use in the R-1 district. Sikkema said the amount of space is limited, and they have to meet other standards. Woodward said if you hold this proposal up to those standards, they probably meet them.

Smith thinks this is a great idea, but is just worried about churches starting businesses. It's a good location for traffic and people.

Bohjanen said the property was rezoned to R-1 and was then granted a conditional use permit – but according to your definition that building is a home because it's in R-1. He said you're worried about creating a precedent, but all conditional uses would have to come before the Planning Commission anyway. Meister said he is in agreement, that's how you limit the conditions under which they are approved and handle each situation individually.

Gary Walker said doing this as a conditional use gives the Planning Commission more control rather than less control, and he would not be bothered if the thrift store is approved, and then a furniture operation in another church was denied. The ability to issue a conditional use is based on the entire circumstance, such as buffering, footprint, etc. The Commission can say no based on a lack of fit with neighborhood character. It doesn't mean saying yes to all like requests.

Meister moved, Mahaney seconded, that based on the presentation and proposal as submitted, the Planning Commission finds that the Silver Creek Church Thrift Store Ministry meets with the definition of a church which includes "accessory activities as are customarily associated therewith", and therefore recommends that the proposal is processed as a modification to the original conditional use permit.

Discussion: Woodward clarified that motion #1 means that *this* proposal seems to be a customary accessory use to *this* Church in *this* building, and should be

processed as a conditional use. Mahaney said it's not setting precedent, it's taking each on a case by case basis. Sikkema said it is setting precedent because now retail sales would be an acceptable accessory activity in a church. Meister said they're already doing it, it's just a question of scale.

Vote: Ayes: 6 Nays: 1 (Sikkema) MOTION CARRIED

B. Recreation rankings for Master Plan

Woodward pulled all the capital projects from the approved Recreation Plan draft and compared them to the priority decision criteria that had been approved for the draft Master Plan. She assigned a possible number of points from zero to 3 for each project or group of projects for each criteria. This resulted in a priority ranking for all capital projects. This is up for discussion so that the Board will have clear direction on the priority of projects.

The top priorities according to this ranking include the collaboration with the Chocoy Community Farm Collaborative for the project at the Beaver Grove Agriculture Area, the Lion's Field projects that include support from the Iron Ore Heritage Trail Recreation Authority, and the Silver Creek Disc Golf expansion project that has been facilitated by the U.P. Disc Golf Association. Woodward explained the method for evaluating the project at the Beaver Grove Agriculture Area.

Meister said there should be criteria related to percentage of residents expected to use a facility. Woodward said the closest criteria relates to user diversity, with greater diversity receiving more points. It could also be related to frequency of use or seasonality. Sikkema asked if Meister sees this as a weight applied to the final score.

Mahaney would like to revisit this now that he understands the method. Woodward said the only urgency is to make a decision on a project for a 2014 grant application. The rankings are for the recreation plan. Smith likes the idea of including number of users in the criteria.

Throenle explained his reasoning in ranking projects for the recreation plan.

Meister inquired about cost for signage, because for that item, it seems a priority for all parks, not just within the context of one park. Woodward said that's another way to look at it – should you look at one type of improvement in several locations or a particular project in a particular location? It could depend on the funding source for the project. DNR grants apply to one location. Meister said temporary signage could be put up that is less expensive until another option is funded.

Smith asked about the size of the annual budget for new capital recreation improvements. It is around \$50,000.

The Commission asked staff opinion on the weighting question. Woodward asked if the intent is to override all other criteria with this weight given to one criteria?

The Commission said they're good with the rankings as presented.

C. Recreation Grant application 2014

Throenle introduced the anticipated amenities associated with this project that is supported by matching funds from the Iron Ore Heritage Trail Recreation Authority. This project is to create a trailhead at Lion's field. New restroom facilities were already planned at that location.

Staff evaluated the options and thinks this is a priority grant opportunity for this year. Sikkema said it requires 25% match of the project cost, not the grant amount. The cost of the project has not yet been estimated. It would include restrooms and warming shelter, parking, signage, and trails. Mahaney said it's a heavily used facility and it makes sense to apply for a grant.

Milton moved, Ventura seconded, to recommend that the Township Board pursue a collaborative 2014 recreation grant application with the Iron Ore Heritage Trail Recreation Authority to establish Lion's Field as a trailhead for the Iron Ore Heritage trail with appropriate amenities such as restrooms / warming shelter, improved parking, and signage.

Discussion: Ventura asked if this was anticipated to be a Trust Fund application. Woodward said probably yes. He said it would need to be a competitive request. Woodward said they talked about hiring a consultant. Ventura said collaboration gets a higher score, so partnering with the Heritage Trail is beneficial. Ventura said this also has multiple recreation opportunities with the trail, skating, and ball field, so that will also increase the score. Sikkema said it also supports a DNR facility.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

D. Planning Commission priorities for 2014

Woodward created some suggested priorities for the year. Sikkema said they might get through priority 1 although it will be easier with fewer amendments. Smith asked about the firearms ordinance review. This was necessitated by changes in the zoning districts, for one thing.

Priority 1 items include the 2014 Recreation Grant application, master plan update, finish proposed amendments, reconsider "Accessory Homesteading Activities" regulations, junk car and blight ordinances, asset management plan for Township roadways, burn regulations, and updates to land division and lot split ordinances.

The Commission accepted the priorities as written.

E. Discussion of property at 208 Timberlane

Meister asked if people can take a canoe along that section. It is navigable. It is available to any prospective purchaser. Bohjanen asked if it is offered to the Township would it end up in a bidding war? Stephens said each offer is considered one on one.

Sikkema asked if staff has an opinion. Throenle asked if the owner would be willing to have an easement assigned to the Township. Stephens said she would have to inquire, but they wouldn't likely do anything that would diminish the value of the property. Throenle said the property would contribute to a water trail from Kawbawgam Road to the mouth of the Chocolate by creating another access

point to the river.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Woodward reminded the Commissioners to offer comments on the Marquette Township Recreation plan during this time. There were no comments from Commissioners.

XI. DIRECTOR'S REPORT

The Commissioners will receive the Annual Report in March. The Choccolay Community Farm Collaborative will make a presentation to the Board on February 17. The management team members were discussed. Almost all are Township residents.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning & Zoning News – January 2014

Charter Township of Choccolay 2013 Annual Report

Marquette Charter Township 2014 – 2018 Recreation Plan

ADJOURNMENT

Sikkema adjourned the meeting at 9:36 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 3, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

February 10, 2014

Motion by Ventura, seconded by Smith, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Bohjanen, to approve the agenda with the addition of Item VIII.D – Discussion of multi-family development options.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Cathy Peterson, 6339 U.S. 41 S, requested a correction to the February 10 minutes to reflect her public comment which she said was omitted. Woodward said Peterson's comments were included under the public hearing in Agenda item V.A.

Dick Arnold, 312 W. Branch Rd., wants to reserve comment on item VIII.C pertaining to junk.

Upon no further comments, public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

DNR – Jim Ferris to discuss the Lake LeVasseur timber sale

Ferris gave the Commission a handout which is a map of the boundary of the timber sale at Lake LeVasseur (shown in green) overlaid with a map of the ski trail (shown in yellow). He said everything north of the lake will be harvested. The stand was last inventoried in 2007. At that time, a cut was not recommended. However, a neighbor reported a lot of dying timber. They reinspected and found the stand was in poor condition with blow down and standing dead trees. This is an area of dune soils with low moisture and nutrient status. This is not a desirable harvest situation, but the DNR feels it can harvest or watch it die and fall down. The harvest follows the line of the jack pine.

On the map, the three red ovals indicate areas in which the cut boundary may be too

close to a necessary buffer such as water resources or slopes. Ferris said some adjustments could be made to the cut boundary in these three areas. For example, in the circle on the left, a 100 foot buffer needs to be maintained to the swale. In the location of the other two circles, they may stop the cut further down on the dune.

Ferris said every jack pine left behind is a dead tree in the not-to-distant future, and they would rather utilize them than see them die. However, they replant with mechanical skidders which are hard to use and unstable on slopes. It's a trade off – if trees are left standing, they will blow down and be a potential a maintenance problem for the trails in the future, but the dunes would not be impacted.

Ferris said the extra posts installed by the Township will allow them to locate the ski trail again so it can be renewed after the harvest, but the area will be clearcut. The young jack pine stand won't look like a mature forest again for 30 to 40 years.

Ferris said the DNR has few options. The red pine is a longer lived tree, and more aesthetically pleasing, but it won't grow there. This land is the bottom of the scale of acceptable soils even for jack pine. It may need multiple plantings to ensure tree survival.

Bohjanen asked if they will leave the red pines? Ferris said yes, but there are not many. Only a few on the south edge. They will only take the jack pine – no other trees.

Ventura asked if the DNR will plant rye grass or something to help stabilize the soils. Ferris said "no", but they will plant tree seedlings right away. Seed would be slower and it's too dry for seed. However, the jack pine planting furrows will be 8 feet apart and native vegetation will grow up between them, such as blueberries, moss, and grass.

Ventura asked Ferris's opinion on the compatibility of a disc golf course. Ferris says he feels it is compatible. The State likes recreational use of the State forest, and if they also want to utilize the ski trail, it is already there.

Tim Kopacz of the U.P. Disc Golf Association said the long-term vision is to create a disc golf course which is not your typical 12 foot wide walking/ski trail. It would be in addition to that. If you use a ski trail for a disc golf course, you would lose some of the closed-in feel of the ski trail because you won't have the anchor boundary of large trees. In constructing a disc golf trail, scrub trees and brush would be cleared in the "airway". So for example, for a 400 foot long hole, there might be a 40 foot wide airway that is not clear of trees, but is strategically cleared of brush and low hanging limbs. It would curve and meander, with the trees strategically planted. So he envisions there would be much coordination needed – this design idea would substantially impact the mechanical planting. Ferris said he would need to see a drawing to respond. Ferris said they could plant the trees by standards methods and then the disc golf group could remove some of them later to carve out a golf course. They would have to agree on how many trees need to go, but can work on this together.

Kopacz said he would put together a plan after he sees the cut so he can work with the land. For example, they can use an area that does not regrow. They will raise funds to build the course. Ferris said the group would need to go through the DNR land use process.

Kopacz asked if any proceeds from the timber sale will go into redeveloping the land? Ferris said not directly, it goes into a general fund, and the fund pays for replanting costs. Ferris is with the forestry unit, and the disc golf group would need to work with the

park and recreation division to propose a new trail. A State recreation grant may be possible.

Ventura asked about the dollar value of the timber sale. Ferris said they have set a minimum bid of \$130,000 for the 90 acres. This is not considered a high volume high value sale. In good timber, it would be double this for that area.

Meister asked how much of a buffer will be retained by the lake. Ferris said at least a 100 foot buffer would be retained from the swale/wetland area. They will also try to stay off the ridge of the dune and are mostly well over 100 feet from the water.

Smith asked if they are open to redesigning the ski trail? Ferris said it's a flexible landscape and the trail can go anywhere. Kopacz said it makes sense to stay out of the drift areas for maintenance purposes.

Woodward asked if they would be open to public input and ideas? Ferris said yes, and if trail redesign is desired, someone from DNR recreation could help with the design. Ventura said someone from the Noquamenon Trail Network could also advise. The DNR used to groom the trail 15 years ago before the Township took over. The disc golf association also helps with trail maintenance. Summer use will make it easier to maintain in the winter.

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Discussion of Lake LeVasseur timber sale and replanting with guest Jim Ferris of the DNR and Tim Kopacz of the U.P. Disc Golf Association

Milton asked how much area would be taken up by a disc golf course. Kopacz said it depends on the land. In general it takes 1 to 3 acres per hole, so a 54 acre site could accommodate an 18 hole course. However, this does not mean the 1 to 3 acres would be cleared – maybe only 20 percent is clear and brush and limbs are selectively managed in the rest. The disc golf group wants a flat, open course with longer drives. It would meander through much of the 90 acres of land but you wouldn't see from one hole to the next. You would walk from one hole to the next. There might be multiple loops off a mound.

Ventura said his concern is that only the jack pine will be there. There are not many majestic trees. Kopacz said he would have to wait and see what is left in the landscape as anchor points. Ventura suggested looking at the 40 acres next to this property to the east to see what it will look like after harvesting (Holly property). Ferris said the property east of the Holly piece which is owned by the State is comparable with 5-6 year old growth. Discussion occurred between Ferris and Kopacz.

The Township has added the project to the recreation plan. Beyond that, Kopacz will coordinate with the DNR and Township to move forward. Kopacz said he will also coordinate with the cross-country trail people.

Kathy Peterson asked if there is a charge to play disc golf. Kopacz said no –

they are a non-profit and the club sells hole sponsorships and maintains the land as volunteers.

Kopacz said 10,000 rounds have been played at the new Powder Mill course in Marquette since June 2013. The new course at Silver Creek Recreation Area opened last October with no advertising and people have been playing this winter.

B. Work Session on Master Plan Chapter 5

Woodward said Chapter 5 is about resilience from the perspective of the private sector. It is meant to be educational, but also explores the public sector's role in improving resilience in the private sector.

Page 79, Bohjanen is still skeptical about the accuracy of the Census Data LEHD Origin-Destination Employment Statistics. The data is an average of estimates from years 2002 to 2011. There is a chart in the Appendix that breaks the data down by industry.

Sikkema asked if it is the intent for the Township to work on the opportunities for private transportation, such as flexible work options and rail transportation. Woodward said that to an extent the Township could have an influence, those items would be in the strategic plan, otherwise they would be included as public education material.

Page 81, Ventura is skeptical about whether a public car share option would work in a small community. Not to say it isn't a good idea, but it has to make money somehow to pay for the vehicles. He also said light rail proposals keep getting shot down in large urban areas and he hasn't seen any proposals here. It's a wonderful idea but is it appropriate for a Master Plan? Woodward said the plan suggests if it were to happen, we would be expressing public support. She said a car share arrangement wouldn't have to be a public entity – it could be an informal arrangement between families. This was just to put the idea out as an option. Ventura said that might be more feasible, and some communities have a hot line for people to coordinate arrangements. This is not the same as a private company having cars they rent out to people, which is what the wording suggests.

Ventura asked about Marq-Tran ridership in the community. He doesn't think public transportation is well utilized and said we might need more transfer stations. Woodward said she thinks there is a need for a stop on the west side of US-41 because people are frequently seen crossing the highway to get to the bus stop by Krist Oil. Ventura said he doesn't see the bus stop at the car pool lot by Jack's. Sikkema said the car pool lot was built for people riding the Altran bus to Munising from the prison and schools. The Township explored an option to put a station there, but Marq-Tran did not support the project at the time. Sikkema said putting up more shelters to make it more convenient and comfortable would help encourage the use of public transit more than education. A more moderate structure might have worked at the car pool location. The question was who would pay to operate and maintain it. Sikkema said that in the plan we could address the kinds of shelters that are needed, and how Marq-Tran could change their routes. It takes a great deal of effort to let people know it's

available and get them to change their habits and consider public transit as a viable option. Make it easier for people to access it. Sikkema said there may be programs to help improve ridership.

Bohjanen said that private enterprises also run buses out of the Munising transit station, but the municipality doesn't influence that.

Page 84, Ventura, remove the numbers on the passive solar homes discussion because they don't reflect reality here because the Michigan energy code requires at least 6" insulation for R-24 in the walls. Keep the concept but remove the numbers.

Page 85, Ventura is not sure that passive strategies provide the highest level of resilience for private homes because non-passive methods can provide just as much resilience. He wouldn't limit it to just passive strategies.

Page 86, Ventura regarding methane digesters, the larger use of biogas is in fixed installations, such as power plants or pumping stations with large engines, but it's hard to capture and package methane for transit uses.

C. Discussion on junk, blight, and nuisance ordinances

Sikkema asked for public comment on this issue. Dick Arnold spoke about junk cars in the Township, and cited an example of a neighbor with 13 cars and 12 trailers, including 3 large camper trailers belonging to someone else. His other neighbor has logs cut up and stored as lumber for 5 years. He thinks it hurts property sales. He also mentioned an outhouse. He said there's no enforcement. He also mentioned a 30 ton crane and front end loader along the snowmobile trail at a property on Bayou St.

He said there is no limit to the number or size or ownership of trailers. You can have an unlimited number of non-commercial semi-trailers and they don't have to belong to you. He also mentioned a commercial contractor trailer with big signs on it that is for a plumbing shop in Marquette, owned by someone who lives in Sands Township, stored at a property on US-41 in Chocolay Township.

He would like the Planning Commission to form a subcommittee. He said in 2005 he got 100 signatures of people opposed to junk cars. He said 1,500 people replied to a Township survey and 70 percent were against junk cars.

He said Chocolay is dying, there is only one restaurant and it's combined with a bar. There are few new houses. Someone could start a junk yard next to you.

Smith said the current ordinance controls the number of trailers. Arnold said you can have up to three cars but they can be parked anywhere like the front yard and you can throw a tarp over them so they are concealed. He doesn't like people parking semi-trailers in the driveway and obstructing the view of the neighbor to look down the street.

Smith said the junk vehicles regulations do not vary per zoning district – it is the same in every district. Woodward said this is controlled by the vehicle parking ordinance, not the zoning ordinance. Arnold said there is no time limit on how long you can keep the cars there.

Peterson said she sympathizes with Arnold, but doesn't want the Township to micromanage everything and take away property rights. For example, don't send

someone a ticket just because they have a love seat in their yard. That's not a junk yard, so don't put that in the ordinance.

The Commissioners began their discussion. This issue came up because of public comment. Sikkema asked who enforces these ordinances. Woodward said she enforces the zoning, junk vehicle, and nuisance ordinances.

Ventura asked if the ordinances are enforced by citation or misdemeanor. Woodward said that first letters are sent, and if the issue is not addressed, contact is made with the Attorney before moving forward with the municipal civil infraction citation.

Sikkema asked about how many complaints are typically received in a year. Meister asked about enforcement issues. Woodward said there is difficulty in that she can't trespass to determine compliance on license plates, and it's sometimes difficult to determine if something is operable or not without cooperation of the owner. Woodward wants to know what is important. Where the vehicles are stored? The number of vehicles or other items stored? How it's screened? How far the storage areas are set back from property lines? If there are complaints, and a neighbor allows the enforcement officer on their property, sometimes violations can be confirmed this way.

Meister asked if it's true people are only allowed three vehicles. Woodward said they are only allowed three inoperable vehicles provided they are screened from view, but if the vehicles are licensed and duly operable there is no limit to the number. Plus you can have one other temporarily inoperable for 14 days, one operable modified vehicle, one inoperable hobby vehicle, one for sale for 30 days, etc.

Ventura said it's hard to enforce relative to trailers because the State issues permanent licenses for trailers.

Bohjanen said he spent 14 years on the Board and everyone who knew him would say he was fighting ordinances. Complaints between neighbors are what led to writing these ordinances. He thinks it is inappropriate to write an ordinance to solve a dispute between neighbors. He tried to make sure that all the ordinances that were written applied to everyone equally and were enforceable, and objective vs. subjective. The ordinances we have were plagiarized from more experienced groups.

Bohjanen doesn't know how many times he was in violation of the vehicle ordinance when he had kids. If their car broke down in the winter, he might not fix it until the spring. Rather than having an ordinance to solve his problem, you have to have an ordinance that will solve everyone's problem. He doesn't know if you have to have an enforcement officer go look for things or if it's fair to enforce just based on complaints. One person might live next to someone with 13 cars and offer to help repair, and others might be totally annoyed by it. Citizen complaints aren't the ideal thing for enforcing ordinances. If the ordinance enforcement officer can't find a violation by ordinary means without trespassing, then it that a nuisance or blight? He thinks we need ordinances, but we have to have good, functional, working ordinances that apply to all people.

Sikkema said even an ordinance that was good in 1979 might become out-of-date due to outside influences, such as trailer licensing. Some things might need to be updated. We don't necessarily need to modify ordinances if it's just about how we identify violations.

Milton asked if there was a problem with enforcement. Woodward said when she gets a complaint, she doesn't just go investigate that one complaint – she also inspects the surrounding area at the same time so it isn't selective enforcement. She agrees you can't just enforce ordinances by complaint. Woodward asked if the Commissioners think the goals for enforcement for junk or blight should vary per zoning district or if they should be the same for all zoning districts.

Arnold said there's a limit in the size of trucks that can be stored – why not trailers? He thinks someone who doesn't live here should not be able to park their trailer here. Woodward said there is sometimes an issue with people owning vacant land in the country and storing boats, vehicles, and junk appliances on them.

Peterson suggested the Commission should think about this for awhile. One man's junk is another man's treasure. Maybe people should hide junk behind trees or put it in a building. She believes people should be able to do what they want with their land if it doesn't hurt anyone else. She doesn't think they should discriminate by zoning district.

Bohjanen doesn't think you can do it for all zones. He said you have to control the accumulation of junk cars that can drain fluid into the water table.

Ventura addressed blight in buildings. The issue is public safety. If a building is in danger of collapsing, or has no doors on it, it's an open invitation for kids to go in and get hurt or have a building collapse on them. When blight becomes a public safety issue, or an economic issue of protecting property values, it's the business of the Township.

Smith asked if we have blight provisions. Woodward said the only thing that addresses blight is a paragraph in the nuisance ordinance that talks about damaged or deteriorated structures in Section 37.4.B.

Sikkema asked if there has been a dilapidated structure that wouldn't be covered by this. Woodward said she has only dealt with one dilapidated structure on Sand River Road and that was taken to Court to order mitigation. It was covered by the ordinance because the structure had already fallen down. He said the ordinance doesn't cover something that is abandoned and secured and not falling down. Woodward said that is correct – we don't have a property maintenance code, just a dangerous building provision related to safety. Sikkema asked if there have been complaints about these types of abandoned, but secured buildings. Woodward said she doesn't get many of those types of complaints. She has an occasional complaint about tall grass or brush. Sikkema asked if there are specific areas from which these complaints arise. Woodward said no. Meister said some people do native landscaping and he doesn't know how you could regulate that. Sikkema said the neighbor might decide not to mow the grass but you have woods behind your house. He said there is a lot of variation in landscaping even along Lakewood Lane. Woodward mentioned that Firewise zoning standards would call for a park-like setting with no undergrowth,

brush or natural flammable materials near the house. She said the jack pine area along M-28 has been identified as a high risk for wildfires related to down dead trees and accumulating wood materials.

Sikkema wanted to figure out whether people are asking for us to enforce things that aren't in the ordinance, or if things are in the ordinance but need greater enforcement. Is there something missing? Does it work, or doesn't it? Can we just not get to everything, or do we need to fix something?

Smith said the trailers need to be addressed. Woodward said setbacks for outdoor storage are not addressed.

Meister said we don't need a plan for everything that could bother someone. Smith asked what is being done about camping trailers. Woodward said the Township doesn't really address recreational vehicle parking, except that people can't have two dwellings on the same parcel, so they can't live in them permanently. If a non-resident wants to store their camper on a resident's property, and it's a licensed trailer, it's allowed. Smith said he has seen multiple camping trailers stored on properties in the Township.

Bohjanen said there might not be a problem if a person has a 40 acre stand of red pines hiding 3 trailers, but those 3 trailers might be a problem on a 50' lot in town. He thinks the zoning district might have a role to play. Smith said if someone parks multiple trailers out-of-sight, out-of-mind that's ok because it's not devaluing neighboring properties. Sikkema said it then gets complicated when you start trying to think of every situation and regulate it. Meister said it's kind of the same idea as the form-based code where you try to control the appearance of the public space. The problem is you don't want to see you neighbor's junk. As long as it's not leaking oil, if you can't see it, then it's not a problem. Smith said the Township went to court with LaJeunesse who had 40 acres and was parking his equipment out of sight. He hopes the ordinance would let someone run their business when they're not devaluing property.

Sikkema asked if the Commission wants to amend, revise, or write new ordinances, or keep the status quo? Milton thinks enforcement has been variable. Sikkema said it has to be fair and equitable to everyone, and if there's not adequate time for that throughout the Township, it's hard to deal with one complaint knowing that same activity is going on somewhere else in the Township. He said Woodward is doing the best she can to also investigate the surrounding area, but that may not cover something similar in another area. Bohjanen suggested forming a team to go help inventory current violations and see if there's enough of a problem to make it worthwhile to change the ordinance, or just enforce current provisions.

Smith said the trailer parking issue needs to be addressed in the ordinance. The Commission reviewed the vehicle parking ordinance. Arnold said he'd be happier if trailers were parked to the side of the house and not the front. Bohjanen suggested eliminating commercial trailer parking in the R-1 district. Meister agreed the number of trailers and vehicles allowed is a problem. Since we already control commercial vehicle parking in residential neighborhoods via the zoning ordinance, maybe we should control commercial trailers as well. It would not be the same in all Districts. But what if it's a residential neighborhood and the trailers are out of sight? Now it gets complicated.

The Commission asked Woodward to send a log of complaints to them at her earliest convenience. The topic was tabled for more discussion.

D. Discussion on multi-family housing options

Woodward described a potential development involving cumbersome steps for approval. Someone wants to build a few duplexes for senior housing on 3 acres of land located in the R-1 district between the industrial district and a subdivision. The Zoning Ordinance only allows for duplexes in the multi-family district. We have no undeveloped parcels in the multi-family district. To do this development the applicant would have to do one of the following:

- Strategy: rezone from R-1 to multi-family residential and go through site plan review, involving Planning Commission and Township Board approval. But before that, a variance would be needed from the Zoning Board of Appeals from the 20 acre minimum lot size for multi-family residential.
- Strategy: rezone from R-1 to PUD and go through site plan review, involving Planning Commission and Township Board approval. But before that, a variance would be needed from the Zoning Board of Appeals from the 5 acre minimum lot size for multi-family residential.
- Strategy: Develop as a Rural Cluster Development Subdivision, which requires a Conditional Use Permit and site plan review from the Planning Commission. However, this would only allow single-family residential unless the zoning ordinance was amended to add duplexes or townhouses as a permitted use in the R-1 district.
- Strategy: Develop as a site condominium requiring Planning Commission and Board approval. However, it would probably first require a rezoning to multi-family and a variance from the 20 acre minimum to allow duplexes.
- Strategy: Land division into separate parcels. However, this would only allow single-family residential unless the zoning ordinance was amended to add duplexes or townhouses as a permitted use in the R-1 district.

Woodward suggested an easy fix would be to do what most communities do and allow duplexes in residential districts. Otherwise transitional areas could be identified in the Township which could be zoned for multi-family development. Sikkema said the person might also have to deal with health department issues. Woodward said she always people to get an evaluation from the health department first. Milton doesn't think residential should be adjacent to industrial. Smith said you also need to protect the industrial. Bohjanen said we should look at amending the PUD to include lots less than 5 acres because buffer zones become an issue. The PUD allows site planning, public hearing, flexibility, etc. Sikkema said the PUD doesn't exempt you from zoning district requirements. If you want to do something outside of zoning, then you have to get a variance. Woodward said if it's always ok to get a variance from the minimum lot size requirement, then the requirement should just be reduced so the variance isn't needed.

IX. PUBLIC COMMENT

Peterson said she sold her property to the Township for park, and the Township told them they had to take down the barn because kids might trespass and get hurt. She could see that and took down the barn. But she doesn't think the lack of paint makes something blighted. Neither does old windows. She has a vacant home which she uses for storage and doesn't want it to be considered blight. She would board it up before replacing the windows. Don't get too crazy with the blight ordinance.

Arnold thanked the Commissioners for letting him run his mouth. He asked them to consider storage containers – people take the wheels off a semi and use for storage.

X. COMMISSIONER'S COMMENT

Ventura said it was a good discussion on the junk and blight ordinances that will be more productive once they get more information from the zoning administrator. Sikkema asked Woodward to supply the same materials next month on this topic.

XI. DIRECTOR'S REPORT

Woodward said the Commissioners received the 2013 Annual Report, updated Zoning Ordinance, and the approved recreation plan. A citizen wishes to install a wood boiler but cannot meet the setback requirements, so they are seeking a variance. She thanked the Commission for the discussion with the DNR and disc golf group.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Charter Township of Chocoday 2013 Annual Report
Chocoday Township Zoning Ordinance
Charter Township of Chocoday 2014 – 2014 Recreation and Natural Resource
Conservation Plan

ADJOURNMENT

Sikkema adjourned the meeting at 9:35 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 7, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:36 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Eric Meister (Secretary) and Tom Mahaney (both excused)

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

March 3, 2014

Motion by Bohjanen, seconded by Ventura, to approve the minutes as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Milton, to approve the agenda as amended – Item VII.E – Postpone discussion of Master Plan Chapter 6.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

No comment - public comment was closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Conditional Use Permit #14-01 – Silver Creek Church, parcel #106-040-00.

Woodward introduced the Silver Creek Church application. This is a request to convert a portion of the existing space inside the current church facility to a thrift store to support the ministry of the church. This is being processed as an amendment to the original Conditional Use Permit #73. This is an 11-acre site in the R-1 zoning district with no known nonconformities. 71 spaces of parking are indicated per the site plan. Zoning History – In 2002 this property was rezoned from Residential 3 (R-3) to Public Lands (PL) due to the Township purchase of the property and conversion to a Community Center. In 2005, it was rezoned from Public Lands (PL) to Residential 3 (R-3) because of the transfer from public

to private ownership and change of use from Community Center to the Silver Creek Church and School. During the 2008 Zoning Ordinance amendment, the property was rezoned to Residential 1 (R-1). In 2005 a Conditional Use Permit was issued for the church, school, and day care center. Stated conditions of that permit are listed on page 2 of the staff memo.

Woodward stated that her memo outlines specific zoning ordinance standards that should be used in reviewing this proposal.

Public Hearing

Woodward submitted letters of comment to the Planning Commission before the meeting, including letters from Wayne Dees, Larry Klaus of the Chocolay Township Lion's Club, Mary DeMarse and grandsons, Dan Freberg of the Marquette Community Federal Credit Union, Amy Mattson of the Retired and Senior Volunteer Program, and Tanya Johnson of McDonald's Corporation. These letters were all submitted past the 3 p.m. deadline, but the Commission took the time to read them before the meeting.

Kevin Taylor, 209 Oakridge Drive, Marquette, MI – Pastor at Silver Creek Church. Taylor expresses the desire of Silver Creek Church to impact the community in a very positive way with this venture. Taylor said in addition to his presentation a couple months ago, there are other friends that would like to share their hearts – some are part of the church and part of the township, as well.

Maria Jensen, 319 South 3rd Street, Ishpeming, MI – Jensen attends Silver Creek Church and really thinks their mission with the thrift store is to reach out to the Harvey community with no expectations and no conditions, just to show Christ's love. Silver Creek has a reputation for doing that regularly with their outreach programs, such as the Block Party. Jensen herself benefitted from the backpack program for back to school kids. She also likes the Halloween Harvest Party that gives children a safe place to go. These activities are an effective outreach, and she hopes that the thrift store will do the same.

Don and Dorothy Schlientz, 2044 M-28 East, Marquette, MI – They believe they have lived here longer than anyone in Chocolay – 41 years. Their kids went to school at Silver Creek, and they are very familiar with the neighborhood and are members of Silver Creek Church. They feel this is a good forward move for Silver Creek in reaching that community – there are a lot of transient people and a lot of single parents with children and transportation issues. They feel that with the thrift store they can reach out and help people. They also wanted to thank everyone – they always come to these meetings and a lot of people come and complain. They are just saying “we're with you” in working together. Eight years ago the Church said their vision is to be good neighbors and that's why everyone is here – they're passionate about being good neighbors. In meetings, Church members have actually discussed how to be better neighbors in Chocolay Township, and people come up with ideas. But they can't do everything, and they are waiting for the Planning Commission to suggest how to be better partners. They have watched different people on the boards and everyone has been kind – when they call the office, they always get cooperative people. The Planning Commission and entire Board need to be commended.

Deb England, 1431 M-28 East, Marquette, MI – England has lived in Chocolay for 20 some years and is a recipient of the Silver Creek Church outreach. They reached into the lives of her children and helped to make a healthy life for them – loving them, embracing them, and being beside them when they had no dad. She appreciates their outreach into single parent homes. England has been a member of Silver Creek Church for several years, and sees the need in the community. It is nice to see that there are healthy resources in the community to reach into the lives of these families, and she'd like to see that continue.

Katrina Williams, 207 East Michigan, Marquette, MI – Williams is a single mom, with a daughter that has several learning disabilities. She was first invited to Silver Creek Church several years ago, and ever since they first walked in, they were welcomed and have been treated like family. Williams has benefited in many ways during rough times, as well as providing them with food vouchers and use of the pantry when they needed it, backpacks, needed school supplies for her daughter and herself (Williams attends NMU), and clothes. Williams and her daughter have been very lucky with the kindness they have received, and she sees Silver Creek Church's kindness in other families as well. Williams and her daughter have volunteered during the back to school parties over the past 3 years, so she has seen both sides of this church program. Williams feels this venture would benefit the community.

John Pritchett, 945 Silver Creek Road, Marquette, MI – (Sands Township) Pritchett's son went to Silver Creek School and he also believes in the programs that Silver Creek Church does. Pritchett feels that anything that Silver Creek Church does is a benefit to the community.

Cheryl Liubakka, 504 Woodvale, Marquette, MI – Liubakka has been a part of Silver Creek Church since its inception – she has lived 28 years in Chocolay. She believes in the programs that the church has – she feels they are very giving body and very interested in helping those in the community. The Block Party originally started as backpacks and school supplies, and it was somebody's vision to start including clothing giveaways for people that needed it. There is a real need for the thrift store and it would be a benefit to the community.

Gary Walker, 765 Lakewood Lane, Marquette, MI – Walker is the Supervisor at Chocolay Township. He spent 38 years doing another job, and finds that this job is somewhat more rewarding. Walker just wanted to say "Thank You" to the Silver Creek Church congregation, and that we really enjoy having them as neighbors. Walker personally feels that Chocolay Township is a better place with Silver Creek Church in it. Walker wished them God's speed in continuance of their ministry. Everyone needs to understand what they do in terms of relation to the community, helping others – that's what it is about. If there is anything we can do we're only a phone call away – or even better, walk into the Township Hall.

Jennifer Prus, 204 Candace Drive, Marquette, MI – Prus works with the Silver Creek Church Board and with Pastor Kevin. Commented that there was a great turnout of people from the Church – lots of compassionate people that want to help others and to bring Christ's love into the community. Prus is asking that the Planning Commission help Silver Creek Church to bring this about.

No further comments – Public Hearing closed by Sikkema.

Commissioner/Applicant Discussion

Sikkema asked if there were any questions for the applicant.

Ventura was concerned about plans for things that get dropped off when no one is there. Will there be a receptacle that is protected from weather or will that circumstance be avoided? Taylor said their goal would be that would not happen, but they realize it might and they would have to have some sort of process for that. Taylor states they have not fully worked out the details, but the goal would be to communicate to the public when they are open and when they can accept donations, and have some type of signage discouraging people from leaving anything when no one is there. Taylor says he cannot handle a bunch of junk (would probably go crazy) so a process is needed. Prus mentioned that the items would be dropped off behind the building so it wouldn't be visible from the road. They would make sure that there was a canopy to cover furniture and such until they open. Woodward stated the canopy is part of the proposal, and Prus confirmed that it is.

Sikkema asked for any discussion on accessory use. Bohjanen stated that he felt this was a good project and failed to see the downside of it, and he would be happy to make a motion to proceed.

Bohjanen moved, Smith seconded, that after consideration of Conditional Use application #CU14-01 and staff review/analysis, and the understanding that the specific configuration and design for this proposed use is found to be an accessory use customarily found in connection with the Silver Creek Church, and subsequently finding compliance with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and intent of the Zoning Ordinance, the Planning Commission approves Conditional Use request #CU14-01 which is an amendment to Conditional Use #73 with the following conditions:

- 1. Before construction, the applicant will provide proof of compliance with all other applicable statutes, regulations, and ordinances and proof that they have obtained all other necessary licenses or permits to the Zoning Administrator.*
- 2. The hours of operation for the Thrift Store and full Church services shall not coincide.*

Discussion

Ventura went back to his original question to the Pastor, he was wondering if they could put another condition to either prohibit outdoor storage of items, or to require an enclosed and covered area for receiving things when it is outside of store hours. Bohjanen accepted this amendment to the motion. Sikkema confirmed Smith's acceptance of the amended motion.

Sikkema indicated it's hard for him to accept a retail operation as an accessory use. Even though he believes that it's a good thing, he doesn't believe that it's an accessory use to a church, so he doesn't know that he can support the motion.

Vote: Ayes: 4 Nays: 1 MOTION CARRIED

B. PUD amendment #14-01 – Z & P Properties, parcel #253-017-00

Woodward introduced the Amendment to the PUD which was originally called Rezoning 145 for the Corning Apartments. This is an almost 2 acre parcel. Past use is residential (5 apartments on top) and commercial (document storage in the basement). Adjacent current uses are single family homes and commercial. Some of the homes are zoned commercial so may be converted in the future. In 2010, a dimensional variance was granted to develop a PUD on a lot less than 5 acres. The property was rezoned to PUD and a zoning compliance permit was issued in 2011. Woodward also pointed out the applicable zoning standards. The setback and height limits are determined by the original zoning district before the PUD, which is the R-2 zoning district. However, they are not changing any setbacks, they just want to refinish the basement to be apartments. All apartments meet minimum floor area in Section 6.3 of the Zoning Ordinance, and they meet parking requirements.

Woodward a condition she had suggested, that the applicant be required to provide specifications on the lighting with the Zoning Compliance permit application. This was already discussed with Z & P.

Public Hearing

Steve Zarkowski, applicant and owner of Corning Apartments – Zarkowski stated that the apartments will be nice. There are 8.5 foot high ceilings so it won't feel like a basement, and air exchangers will allow fresh air down there. Egress windows are 5' wide and 4' tall. Zarkowski already has interested tenants. There will be eight apartments and plenty of parking (27 spots). There are only 5 people living in the 5 apartments right now, so there is not a lot of congestion. There is commercial all around, so the apartments are a fantastic buffer for the residential behind them. If you've been by the apartments, you know that they are well maintained, and have never had the police out there.

Woodward gave the Commissioners a letter from an adjacent resident, Darrel Adair, 141 Terrace Street. Adair had brought in a sample of a well filter and residue from the filter, and Woodward showed this to the Commission. Adair has concerns about his water because of how the filter looks. Woodward had talked to Steve Lawry, Township Manager, whose is an engineer and had a career in public works. He said it looks like a corroded screen in the well and that is iron residue from the screen. Iron residue is also in the pipes. Lawry did not think it would have anything to do with the drawdown of the water from adjacent properties. He thinks it's a well issue.

Sikkema asked if this is the only person that had raised this issue – Woodward said yes. He asked if the resident expressed concern with the lack of water. Woodward said he hasn't experienced a lack of water, but an increase in residue.

No further comment, public hearing closed by Sikkema.

Commissioner/Applicant Discussion

Zarkowski said last year the power company came out there, and they did something with the wires and reversed the phases – there was a 3-phase going into the building – and they ruined the pump. This is a 15 hp, 3-phase well pump and is very expensive. They had to replace it, so it is a brand new pump.

Sikkema clarified that Zarkowski is talking about the Corning Apartment well. Ventura asked if it is a drilled well as opposed to a shallow well. Zarkowski replied that it is a 100 foot well, with an 8 inch casing that puts out 250 gallons per minute and could be used as a community well. Sikkema asked if this is the well that was there when Zarkowski purchased the property and he said yes.

Milton asked if Bell moved out of the basement? Zarkowski said yes, the medical record storage moved out of the basement – there is now 3,600 feet not being used. This will utilize that with very little exterior change.

Sikkema asked if there were any other comments from the surrounding neighbors. Zarkowski said he had none at all. The Commission asked about the location of the Adair property in relation to the apartments. Woodward stated she did not have the parcel number immediately available – only the address. Bohjanen asked if Woodward knew if Adair's well is shallow or drilled. Woodward did not know.

Smith wondered if there will be additional parking lights, or will they be adjusted? Zarkowski indicated they will be adjusted so they are flat and there will be back light deflectors on the fixture in close proximity to Wright Street.

Sikkema said that when the PUD was approved, the possibility of additional units was discussed, so this was before them to approve the additional units. Woodward stated they are getting rid of the commercial use and converting to another principle use, so the change in use must be approved.

Ventura said it was a good reuse of the building, and that it addresses one of the items that is in our 5 year plan to increase density where it's appropriate, and this is an appropriate area. Ventura asked if it was served by public sewer – Woodward responded yes.

Sikkema asked Zarkowski about the current demographic of tenants – a salesman that is there 3-4 days/week, rather than renting a hotel room, an environmental engineer, a retired lady, a retail clerk, and a military guy from the reserve base here. Sikkema stated it was kind of a cross section. Sikkema said the Commission has been working on getting higher density for people that don't necessarily want a single family home.

Ventura moved, Bohjanen seconded, that after consideration of application PD14-01 and staff review/analysis, and subsequently finding compliance with all applicable terms and intent of the Ordinance, and in particular Section 10.3 Planned Unit Development Standards for decision, the Planning Commission approves application PD14-01 which is an amendment to a Planned Unit Development called "Rezoning 145" with the following conditions:

- 1. Before construction, the applicant will provide proof of compliance with all other applicable statutes, regulations, and ordinances and proof that they have obtained all other necessary licenses or permits to the Zoning Administrator.*
- 2. Applicant will provide specifications showing that all exterior lighting is in conformance with the Ordinance along with the application for a Zoning Compliance Permit.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

C. Conditional Use Permit #14-02 – Bertram residence, parcel #009-018-50

Woodward introduced the Conditional Use Permit for the Bertram Residence for dune modification in the Lake Superior Shoreline/Dune Protection Overlay District. They would like to construct a single family home with basement, attached garage and deck. They plan to remove only the trees necessary for the excavation, but they will be making earth changes in the dune, which is why they are here for the Conditional Use Permit. It's a 1.748 acre lot in the WFR district. Woodward mentioned that Gene Bertram would be showing some photos of the site. Woodward provided aerials to compare to the survey specifications, and also some best practices for dune development. Woodward asked the Commission to consider that the lot is 105' wide, and with the proposed width of the house being 66' wide, this leaves only 39' to be allocated to side setbacks. This meets required setbacks, but it will not meet the 20' undisturbed buffer on the sides due to the excavation process. The basement will encroach on the 20' buffer on one side where a 15' setback is planned.

Sikkema asked if this can be addressed without going to the Zoning Board of Appeals. Woodward stated that if they think that it can be addressed through mitigation, then it can be addressed by the Planning Commission. Or it could be approved conditional upon the ZBA approval.

Milton stated that it is a minimal dune, only about a 7% slope. He doesn't think the development has much impact on the dune. Woodward stated that the development is planned for a wooded area which is more stable. Woodward said that the Planning Commission can address this without it going to the ZBA if they feel that the intent of the standards are being met and the development won't harm adjacent properties.

Smith asked Woodward about the disturbance of the dune – is the disturbance just related to the building of the house, and once the house is done the existing contours will be restored? Woodward deferred to the designer.

Public Hearing

Mike Pond, 1500 West Avenue, Marquette, MI – Mr. Pond is an architect for Aecom in Marquette and represents Gene Bertram (Gene is his brother-in-law), and is working with Mr. Bertram to come up with a site plan to establish placement on lot. Pond has acquired the services of Bob Cambensie to do a survey of the land and to establish existing contours on the site. He discussed the original site plan with Woodward. They have moved the home back 10' from the initial placement – it is now 136' from the water line and several hundred feet from the road, so the front and back setbacks far exceed the requirements. The home is placed on the backside of the dune, with substantial fill to be hauled in. The elevation of the garage will require between 10' and 12' of fill at minimum. They will haul in approximately 1,000 cubic yards of dirt to place the home on this site so they can have a view of Lake Superior. Mostly they will fill the dune – only a small portion will be dug for the basement. There will be some excavation along the front and sides to place the footings. This will be the only excavation that takes place. On both sides there will be a minimal amount of fill, but there will be more on the east side because there are two egress windows in basement

bedrooms. From ground level to the peak of the roof will be 20' to 25' high. They do not plan to cut any more trees than absolutely necessary.

Don Casteel, Gladstone, MI – Casteel has the lot next door to Bertram. Casteel is concerned when they haul in the fill it might come down on them. They say it is a minor fill on the west side but his cottage is right next to it.

Gene Bertram, 137 Aspen Drive, Marquette, MI – Bertrams sold their house and are temporarily living at this address. They have wanted to retire to this site for 30 years now. Bertram does not want to cut any trees, but needs to cut some. He wants to save as many large pines as he possibly can – he is a naturalist and wants to make the surrounding area as wild as it is now. His footprint, as planned, will be cut into the bank in the woods. The fill will be built up right where the house is, and all the dirt will go south. Bertram plans on planting grass and trees to hold the soil. This will basically be his studio – he is an artist – which is the main reason for purchasing this property. He plans to make his art there, and enjoy the north light and serenity it provides.

No further comments, public comment closed by Sikkema.

Commissioner/Applicant Discussion

Sikkema asked Mike Pond where the fill is going to go. Sikkema invited all parties (Pond, Bertram, and Casteel) to the front table to look over the site plans. At this point, there was discussion between the three parties and the Planning Commission over the maps.

They will bring in 10' of fill to bring the garage to the 618' elevation. The fill will recede to the property line. Sikkema asked what the applicant can do to ensure the fill doesn't encroach on the adjacent property. Pond stated they could build a dirt berm along the side. Sikkema asked about using a silt fence. Pond indicated the silt fence on their plan. Casteel responded that a silt fence doesn't look good – others replied it's just temporary. Sikkema asked Smith if a silt fence will be enough to protect Casteel's property – Smith replied they will also restore the area with permanent vegetation, and the silt fence will protect it while the vegetation is restored.

Bertram mentioned he had planted trees along the property line years ago, which would not be disturbed. Ventura mentioned the 10' of fill combined with 15' distance to the property line will result in a steep 2:3 slope. The ordinance says dune cuts cannot exceed 1:3 slope. Pond explained that it is not a cut, it's a fill. Ventura said it's the same result. Pond responded that the garage has to be that elevation because Mrs. Bertram has some ambulatory issues and can't use stairs, so the garage cannot go lower. It's designed so you can walk right into the house from the garage. Bertram stated that's why they have one story instead of two. Pond said the garage is at 618.5' and the house is at 620', so there are two steps into the house. Casteel asked for a copy of the site plan.

Pond said if Casteel is worried about water runoff, they could build a berm. Pond indicated that the design will cause most of the water will flow north and south, and only the runoff from half the garage will shed to the west. Sikkema suggested that the conditions include retaining the trees on the property line and installing silt fence. Bertram agreed, and Pond indicated that is already shown as part of the Soil Sedimentation and Erosion Control Permit which they have

already obtained. Smith stressed the permanent vegetation to control erosion, although they have minimized erosion potential with the design.

Casteel asked about the location of the development in relation to his house. Bertram showed pictures of the property and locations were discussed per the aerial photo and Bertram's photos.

Woodward asked about the nature of the trees Bertram planted – Bertram responded they are now 6' tall pine trees.

Responding to Sikkema's inquiry, Pond indicated the fill would be within 5' of the property line. Casteel is still concerned with the fill which will be above everything existing. Sikkema asked if Casteel was concerned about appearance or water runoff. Casteel answered that he is concerned about both. Sikkema asked if the re-vegetation would be naturalized or manicured. Bertram stated that he does not want to change the look of anything – he doesn't really want a lawn, but if he must do it to hold the soil down he will. He wants it to be natural and will do whatever he has to do to preserve it.

Milton asked if there is a choice of basements – it looks like there are two footprints for the foundation – this was just a mistake in the submittals.

Sikkema confirmed that no excavation is needed to install the egress windows on the east. Pond indicated that area is basically fill. The existing elevation was discussed. The house is sited 2' lower than the top of the dune.

The stairway goes down into the basement from the garage. You have to have a raised elevation in the garage of 4"- 8" before you go down the steps.

Erosion control measures were again discussed. Sikkema stated Smith's question to the developer is the potential to put in a retaining wall of some type to control the fill. This will be quite a drop-off which could be difficult to hold together, even by the raised driveway. Pond indicated they would be putting gutter up on that side of the garage, so the only runoff results from water falling from the air. Pond indicated that the driveway access will be graded and sloped away from the house and not toward the adjacent property. Sikkema said that they would need to have a big enough area at the drive for snow removal and to get in and out of vehicles. With the slope, the area will be wider than the driveway – to get that room it might be necessary to add a structure to hold that slope. Pond said in the site plan there is an area to back out of their garage and turn around, but it pulls to the east, not to the west. Sikkema stated it was just a thought to try to mitigate the impact to the adjacent property and be able to maintain that 4 or 5 foot buffer. Pond indicated they would put the silt fence in, and make sure there is no impact.

Smith asked Milton about previous Commission discussions about how far a driveway and the associated grading and fill should be from the property line. Their discussion involved natural slopes to property lines.

Woodward stated that a lot of people have told her that any fill in that area will just filter down into the sand over time. That's why the Ordinance requires natural landscaping, with the dune grass and other vegetation that survives in those habitats. It is required that the area be replanted with a prescribed amount of plugs and beach grass – one per one square foot of disturbed area. Sikkema

stated that the area getting disturbed is more the tree area than dune area.

Bohjanen stated that by looking at the provisions, there needs to be a 20' undisturbed buffer. As a condition, that would have to be fulfilled. Sikkema indicated that it does say "20' undisturbed buffer", and it's obvious that it will be disturbed, so it's reasonable to ask how that supposedly undisturbed buffer will be restored. The resident on the west side has a concern with the appearance and the stability of the slope not encroaching upon his property. Sikkema asked if the buffers were put in there to maintain the appearance between the properties. Woodward stated buffers were to maintain the stability of the dune. Bohjanen stated that he was looking for the undisturbed buffer definition, but he thinks the proposal will not have a negative impact on the dune, it will probably have a stabilizing effect. So the buffer is simply a setback.

Casteel said there would be no impact to the dune. Smith said he has known Pond for a long time, and thinks he has reassured the Planning Commission that he will keep the drainage and the slope on the Bertram property. But he wants to add it as a condition.

Sikkema stated that the Township doesn't enforce soil erosion - the County addresses the issue of soil erosion. If the soil does leave and encroaches on Casteel's property, the County Soil Erosion will deal with that. They say that they are going to have a soil erosion silt fence, which would be common.

Smith stated that everything meets or exceeds Zoning Ordinance requirements. The biggest thing that came up is because of the berm, and the berm is not taking away - it's adding to.

Bohjanen wants to see that the applicant will apply for appropriate soil erosion permits as part of the motion. Pond said the permit has already been obtained. Add: ***"Applicant shall provide for and obtain appropriate soil erosion control permits."***

Pond stated if it was the wish of the Planning Commission to require them to meet with the adjacent property owner and go over the placement of the silt fence and resolve any issues with that placement, they would be happy to do that. Pond stated he would like to make Casteel an active part of the process - not be reactive. Casteel said he would like that very much. Sikkema asked about the property owner on the east side.

Ventura asked how much higher the roofline or floor level of this new house will be relative to the neighboring houses and those along the shoreline. Pond stated that floor to ceiling is 10ft - it's a single story building with a basement. The basement on the east side will be exposed about half way. On west side, the walls will stand in place without any fill up against them, but the fill may not cover the entire wall. Ventura asked the question in a different manner - what is this house going to look like from the outside relative to the other houses along the shore - is it going to stick up much higher, or approximately the same height. Pond indicated it will be significantly higher than the house on the west - doesn't know about the elevation on the east.

Sikkema restated conditions added to the motion - 7 relating to obtaining the soil erosion control permit, and 8 applicant meeting with adjacent property owner.

This has mitigated the need for ZBA involvement – there will be no cut into the dune on the 20 foot side buffer, so ZBA variance is not needed.

*Smith moved, and Ventura seconded, that after conducting a duly noticed public hearing, and upon finding that the proposed use **complies** with the Conditional Use Standards of the Chocolay Township Zoning Ordinance as noted in the staff report dated April 2, 2014, the Conditional Use request for parcel #52-02-009-018-50 located at 2433 M-28 East to perform construction within the Lake Superior Shoreline/Dune Protection Overlay District is hereby **approved** subject to the following conditions:*

- 1. They shall follow the suggested control measures to minimize disturbance within the 20' buffer.*
- 2. Disturbed areas will be minimized, and the applicant will utilize all applicable temporary slope stabilization measures during construction.*
- 3. Slopes for dune cuts shall not exceed 1 foot vertical to 3 feet horizontal.*
- 4. The limits of clearing, grading, and vegetation removal will be clearly indicated on the site to avoid accidental damage to slopes and vegetative roots that support slopes, and discourage materials being stored outside the planned impact area.*
- 5. The applicant will minimize tree and vegetation removal. If removing trees, stumps and roots will left in place to stabilize soils and slopes unless they would interfere with the building foundation.*
- 6. The development area will be re-vegetated in stages immediately as portions of the site are complete utilizing native vegetation. Disturbed areas of the dune will be rehabilitated with dune grass plantings at a rate of 1 culm (clump) per square foot of disturbed area (can also include other native vegetation).*
- 7. Applicant shall obtain appropriate soil erosion control permits.*
- 8. Applicant shall meet with the adjacent western property owner on site prior to construction.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

D. Site Plan Review – Ace Storage Units

Woodward introduced the Site Plan review for Ace Storage Units. Site Plan review is required for all commercial development. In 2008, they were given a permit to build three storage buildings within three years –only two were built as shown on the new site plan. The proposal is to build two more storage units. There are two things that need to be addressed that don't meet the requirements – on the western property boundary the proposed building does not meet the required 30' setback – it's only 25'. The screening buffer that is required between commercial and the R-1 zoning district isn't exactly in the right location and does not meet spacing requirements. Otherwise it looks like it meets the requirements.

Sikkema indicated it was R-1 to the west and R-2 to the South. Smith asked if the trees are not planned close enough together? Woodward stated that the spacing that is on the proposed site plan per scale looks about 20 – 25' apart and they are only supposed to be 5' apart. Woodward does not know if there are existing trees, but the driveway/travel lane is indicated near the property line, indicating no space for trees. She feels that the buildings need to be moved

further from the property line and a buffer needs to be placed there if there is not a natural buffer. This would be on the west. Smith indicated that on the west side, the terrain is almost straight up and down with the houses around 100' above the proposed development. Woodward stated that the elevation change was not shown on the site plan, but if there is a sufficient terrain difference then screening might not be needed.

Sikkema said there are two things – one is the setback should be 30' and is only 25', and the other is the planting location. Woodward said that one of the existing units is indicated on the permit as hundreds of feet away from the property line, but is only 25' from the property line, so that building is non-conforming.

Smith thinks there is enough slope that you don't need to worry about the west side screening. Milton doesn't see the access for that residential – Woodward indicated that she thinks they get there from the Sands Township side. Woodward indicated that there is already a buffer to the south, so it doesn't matter about the spacing.

Bohjanen asked about driveway access being on property line – is that permitted? Sikkema indicated you can't have building within the setback, but it doesn't say anything about a driveway. Woodward stated that we don't count paving as structures.

Ventura asked if 25' at the end of the building is enough to get a truck back there to get to the end bays. He assumed that there are going to be end bays like the other two buildings have. Smith stated that it would have to be 30', that the Planning Commission does not have the authority to grant it at 25'. Woodward stated he has to meet requirements or he won't get approved.

Ventura said that looking at the aerial photo, it looks like the two existing buildings have quite a bit more than 25' at the ends where vehicles can back into those overhead doors, so getting 30' here serves two purposes – it meets the Zoning Ordinance requirements and also makes the vehicle ingress a little handier. The site plan drawing shows all existing bays as being accessed by side of building, but he knows there are doors at the end of the existing building, and vehicles could conceivably be backing into those. Woodward had not gotten any pictures of the buildings, just the site plan.

It was decided that #2 on the suggested motion can be omitted.

Moved by Smith, seconded by Bohjanen, that after review of Application SP14-01, a site plan review for Chocoley Ace Hardware/Northshore Development Company for parcel #52-02-106-011-00; and staff report dated 04/02/14; the site plan dated 03/21/14 be approved having met all requirements of the Ordinance with the following conditions:

- 1. Buildings shall be setback from the west property line a minimum of 30' to the drip line.*

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

Ventura asked if approving the site plan takes care of whatever is needed from the Planning Commission. Woodward stated yes, Site Plan will be included when he gets his Zoning Compliance Permit

IX. PUBLIC COMMENT

No Public Comment

X. COMMISSIONER'S COMMENT

No Commissioner's comments.

XI. DIRECTOR'S REPORT

Woodward stated that there is a requirement for the Planning Commission to have a yearly joint meeting with the Township Board. She asked the Commissioners when they might want to do it, and what topics should be discussed. She indicated that Mark Maki (Township Board Trustee) had asked about the capital improvement projects that had come out in the Recreation Plan and how those would be funded and what the priorities were. Possibly could use the time to discuss the Master Plan. Sikkema indicated he would like to know what the Township Board priorities for the Planning Commission for the next year. Sikkema would also like feedback on what they have worked on so far. It was decided it would probably be better to have a special meeting – maybe a Monday night in either May or June. Suggested dates were May 12 or June 9. This will give the Township Board a couple options, and they can decide on date.

Woodward indicated she would give them the Grant Application materials next time.

Woodward mentioned that there is Michigan Association of Planning training coming up – Planning and Zoning Essentials. It's about a 4 or 5 hour class. She will send an email to the Planning Commission with information on this training.

Junk car issue – still needs to be compiled. It was suggested that the next time we put out a Township newsletter that something about how zoning enforcement is done – what should a person do if they have a concern. People may not know what the appropriate action would be. The Commission was happy with the layout of their packet compiled by Suzanne Sundell.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Wayne T. Dees Correspondence of March 2, 2014

Planning and Zoning News

MI Association of Planning training in Planning and Zoning Essentials

Lion's Field Recreation Grant application materials

ADJOURNMENT

Sikkema adjourned the meeting at 9:26 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 5, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura, Tom Mahaney

Members Absent: None

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

April 7, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as corrected – Page 9 of 13 – 6th paragraph “... You have to have a raised elevation in the garage of 4” – 8” before you go down the steps.”

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Milton, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Woodward summarized a letter or public comment submitted by Wayne Dees on the Holiday Site Plan Review. Woodward said that Mr. Dees has a concern for public safety. He feels that north Holiday driveway should remain open and the south driveway closed. Mr. Dees also feels that the Credit Union driveway on the west side of the highway should also be closed.

Sikkema questioned as to whether this letter will go into the record as written. Woodward stated it was up to Sikkema if he wanted to read it for the public – we don't usually make a transcript of the whole meeting. Sikkema read the letter from Mr. Dees to the public. Sikkema stated it should be paraphrased and put into minutes.

Other notes from the letter include: Mr. Dees wants all written comments included as part of the meeting minutes and also to be available online. He wondered if the designer considered accident reports, and if there was police department review. He feels there is a traffic conflict between people traveling southbound and turning east on M-28 and people traveling southbound and intending to turn into Holiday. He also sees a conflict due to insufficient line of sight between people turning from Cherry Creek onto US-41 northbound and traffic moving to and from the Holiday Station.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review #14-02 – Holiday, parcel #107-020-00

Woodward introduced the Holiday Site Plan Review. This is a request for improvements to existing facilities and consolidation of access points on US-41/M-28 to improve aesthetics, functionality, efficiency, and safety. The proposal was extensively evaluated to all the Access Management Overlay District standards and also to the Site Plan Review standards and all the other applicable standards of the zoning ordinance.

Bill Finkbeiner, District Manager of the Holiday Station Stores in the Marquette area, was present to answer questions and he supplied large copies of the site plan.

Sikkema asked about replacing the plantings. Finkbeiner responded that on the original site plan it showed the trees being removed because of grading to be done. However, now the plan is to remove and replant them after the work is complete – they would be put in the same general vicinity. Woodward stated that the trees need to remain in the public right-of-way because they were part of a grant that the Township received through MDOT in 2010. Sikkema indicated that there was some concern at the Corridor Meeting that the lights of cars coming from Togo's would be shielded by the trees and shrubs. Finkbeiner responded that was the intent.

Smith questioned whether the Site Plan took into consideration the reconstruction of the new bike path this year. Finkbeiner responded yes, and although it's not on the site plan, they had discussed putting in handicap stripes at the intersections. Sikkema indicated he didn't think they had to put in the detectible markings – but had to meet the grade. Sikkema asked Woodward to verify the requirements at private driveways with Jeff at MDOT.

Mahaney asked if there would be any signage alerting the motorists to the bike path. Mahaney felt that this will become a busy egress entry point, and lots of people will be using the bike path. Sikkema asked that Woodward check with Jeff at MDOT on this matter also. He would be able to suggest a standard sign. Wintergreen Trail has some signs, but Sikkema indicated that was more because the bike trail looked like an actual road, so there needed to be some indication.

Meister asked if there was a reason why there are no deceleration lanes when coming from the south. Sikkema indicated that this was usually based on traffic flow and volumes of the road. The outside lane of a multi-lane road is supposed to provide for through traffic. He said it probably wouldn't hurt to do it here

because of the volume of people pulling into the Holiday Station.

Ventura stated that in studying that intersection over the last four years, and making left turns onto M-28, there are a lot of people that stop in the left turn lane at both the north and south driveways to turn into the Holiday station. There are also people that are southbound on US 41 trying to turn east on M-28 who get behind the people trying to get into Holiday and then realize that they are stuck – they then try to get back into the passing lane, sometimes without looking. He agrees with Dees that the driveway to be closed should be the south driveway, not the north driveway, and suggested that Holiday move the pump extension to the other side of the island. This would maintain the same customer service level and would not impact the other public benefits such as the rear travel areas. He attended MDOT access management classes, and one of the main goals was to locate driveways as far away from intersections as possible, especially intersections of two major highways. He thinks the driveway for the Credit Union is basically a non-issue because there is so little traffic and thus it does not cause vehicular conflicts with Holiday customers. Ventura cannot support this the way that the plan is drawn.

Mahaney questioned whether there had been any thought given to having separate entry/exit driveways. Finkbeiner indicated no. Mahaney turns left traveling eastbound from Cherry Creek Road onto northbound US 41, and he has waited behind people who sit at the intersection until the westbound traffic from M-28 traveling northbound onto US 41 has subsided, so they are able to get across both lanes to turn into the station. This creates a backup on Cherry Creek Road.

Ventura indicated that moving the Holiday driveway as far north as possible may help. Typically people turning north from M-28 to US 41 utilize the driving lane, and people turning north from Cherry Creek to US 41 first utilize the passing lane, but immediately change into the driving lane to get into the Holiday Station. He thinks you can't eliminate this from happening, but having a little more space before turning into the driveway would help.

Meister asked how far apart the existing driveways were. After further looking at the blueprints, Sikkema indicated it was probably 170 feet – center line to center line.

Smith asked if the Site Plan had been accepted by MDOT. Sikkema indicated that it went through MDOT's plan review at the Corridor Meeting. Comments from advisory group are in packet. They have not yet applied for an MDOT permit. Included in the Corridor Advisory Committee's comments was squaring up the south driveway to more resemble a 90° angle. The plans indicate the driveway will be improved with perhaps an additional 5 – 10 feet between the intersection and the driveway. Sikkema indicated that the two significant accidents that have occurred happened at the north driveway into Holiday.

There are not a high number of crashes in this area. It is primarily the people that are trying to turn left that contribute to crashes. Sikkema thinks that most people currently turning left into Holiday utilize the north driveway. So since the new north driveway for Holiday (shared use driveway at Snyder's) would be located further away from the intersection, it should reduce problems. Mahaney said people might use the south driveway instead because it's a shorter distance. Sikkema said that if you eliminate the south driveway, and people have to utilize the existing north driveway, that is where the previous crashes have occurred.

Other things to be considered – a request could be made that the center lane be double striped, which would indicate that people north of the south driveway should wait to go into the center lane to turn at the intersection until after the striping – this would make it a dedicated left turn lane. Typically you only do this when there is opposing traffic trying to make a left in the other direction. This is not the situation here.

Ventura indicated that we do have the conflict though of people wanting to make left hand turns at two different places, and trying to use the same lane. The striping probably has merit. Sikkema stated that it would not prevent people from pulling into the turn lane too early.

Bohjanen stated that his thoughts on the matter are probably not practical, but if you close the south and the north drive entirely, and put an access onto M-28 with no left turn (right turn only - which probably creates problems with property ownership and MDOT requirements), it would improve flow and take some of the traffic off US 41 close to the intersection. Cars coming off Cherry Creek would have to use the north entrance into the gas station.

Sikkema indicated that his experience in working with these types of things is that you make incremental improvements where you can. This is an incremental improvement – he feels it helps Holiday and some of their circulation problems. Holiday has a right to have access, and right now they have a right to the two existing driveways. He feels that Holiday is making a step in the right direction by trying to provide something that the Township wants, which is connectivity between these businesses. This investment will be a benefit – it doesn't solve everything, but it provides the connectivity they've been trying to get for years.

Bohjanen asked about the status of the road that goes from the Holiday Station to Togo's. Sikkema indicated it is a private driveway which is partially in the right-of-way. Bohjanen said that access is beneficial.

Sikkema wondered if Holiday would consider moving the south driveway as far north as possible – maybe 10-15 feet. Finkbeiner said that would probably work.

Smith indicated that he thought having access around the building will be helpful. Ventura stated that taking one driveway away would make it somewhat safer, and he understands the value of incremental improvement. He asked Finkbeiner

if he had discussions with Snyder regarding the plan. Finkbeiner stated that there had been discussions, and it's going through the attorneys to finalize. Finkbeiner stated that the project is not slated to start until after July 4th.

Sikkema indicated that it does tend to feel cluttered at Holiday when it becomes busy – hopefully people will readjust to use the northern-most driveway. Sikkema also indicated that you see people staging in the approaches, trying to figure out which driveway is going to work best. With the new plan, they won't have to do that anymore – they can get onto the access drive and do their staging from there. Sikkema thinks there are a lot of positives about this plan.

Sikkema stated that Holiday has been really good to work with – they always do quality work – and he sees this as a positive for the Township. Ventura stated that he liked the suggestions for the façade of the building, also.

Finkbeiner stated they are currently working to try to schedule large truck deliveries during the overnight hours between 10:00 PM and 4:00 AM. This helps with the congestion. They are trying to get the fuel deliveries on the overnight schedule.

Sikkema indicated that there had been some questions on snow storage and drainage. The snow storage looks like it has been taken care of. Woodward indicated that there is some evidence of drainage on top of the pavement in the south corner by Togo's – you can see where water has been standing. Sikkema asked if this could be graded to let the water out. Finkbeiner stated that would be addressed.

Bohjanen stated that people used to park along the curb between the pumps and highway causing circulation problems – this will be eliminated with the new access road.

Sikkema asked about truck movement, and he sees in the design that truck movement is addressed.

Sikkema asked Woodward about waivers and variances in the Access Management standards – Woodward indicated we have provisions for waivers or variances from standards for existing development and development supported by MDOT. For example, the plan does not meet the exact spacing requirements from driveways to intersections, but these are existing driveways.

Sikkema indicated that in the “Additional Comments” there was a suggestion to “Consider requiring Stop signs and possible Stop bars on the shared driveway where it intersects with access drives from US-41.” He does not think this is needed.

Sikkema also asked about the comment “Inquire whether the benefits of having light standards near the multi-use path crossings on the access drives outweigh the dangers of having fixed objects in the ROW.” Woodward indicated that this was a suggestion from the Township Manager – having some type of light at the

driveways where the bike path crosses. This would be to light the pedestrian crossings in driveways. Woodward asked about lower bollard lighting – Sikkema indicated MDOT does not do lighting.

Ventura questioned the size of handicapped spaces – they appear to be smaller than standard parking spaces (standard are 10' x 19', and the handicapped spaces are 8' x 19'). Sikkema indicated that you need to also consider the van access, which gives another 8', so the handicapped spaces would actually be 16' wide.

Sikkema and Woodward discussed the canopy lights – they will need to meet the standards at the zoning compliance permit stage and make sure that it is the minimum brightness necessary according to standards. Sikkema asked if this needs to be added in as a condition. Woodward stated that it is already included as #6 in the suggested motion. Sikkema asked about #7 on the motion about drainage – should this be included in the motion? Woodward indicated yes.

Mahaney had a question about stop signs – would there be a requirement for a stop sign at the end of the service road? Woodward indicated that Holiday has indicated these signs on Site Plan 1.1 before the Snyder driveway. There are others near where the bike path crosses the driveways. Sikkema said those locations are also lighted.

Moved by Milton, seconded by Bohjanen, that after review of Application #SP14-02, a site plan review for Holiday Stationstores, Inc. for parcel 52-02-107-020-00; and staff report dated 5/1/14; the site plan dated 1/13/14 be approved having met all requirements of the Ordinance with the following conditions:

- 1. Approval is conditioned upon MDOT approval;*
- 2. The shared access and maintenance agreement shall be presented to the Zoning Administrator and recorded with the Marquette County Register of Deeds; and*
- 3. All plantings associated with the 2010 MDOT grant and Adopt-a-Tree project shall be relocated to a Township/MDOT approved public right-of-way according to Township approved planting methods. The Beck family shall also be consulted regarding the Adopt-a-Tree marker relocation; and*
- 4. Driveway construction shall be coordinated with the MDOT/Chocolay Township project to rebuild the multi-use path paralleling the highway across this property frontage; and*
- 5. Owner shall install and maintain internal regulatory signing or pavement markings per current Michigan Manual of Uniform Traffic Control Devices standards for proper traffic flow/control; and*
- 6. The signage and lighting will meet all requirements of the Chocolay Township Zoning Ordinance, with additional information as needed being submitted to the Zoning Administrator; and*

7. *Applicant shall address site grading for positive drainage at the southeast corner of the parking area.*

Meister questioned the “coordinated with the MDOT/Chocolay Township project” (#4) of the motion – what does it mean? Sikkema indicated that he heard that the contractor is planning on starting the bike path project in late May. It should be in place before the Holiday plan is started. There will be revisions to the bike path.

Ventura asked about the reference to the Beck family in the motion. Sikkema indicated that there is a memorial by a tree for Andrew Beck who died in an accident there – it will go wherever the tree goes. Woodward indicated that it is a big concrete block, with a small engraved brick on top of it. The Boy Scouts installed it as part of the Adopt-a-Tree program.

Milton said it’s a good plan and it does everything that we encourage businesses to do. Ventura said it’s a step in the right direction.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Site Plan Review #14-03 – Lakewood Medical, parcel #107-020-00

Woodward introduced the Lakewood Medical Site Plan. This will expand the current Lakewood Medical Associates building from 3,760 square feet to 4,938 square feet (a 30% increase) and will involve interior remodeling at the request of Marquette General Hospital so that more services can be offered at this location. This will bring additional doctors here. All exterior changes will be on the back side of the building. It meets the parking standards and all ratios for floor area and ground coverage. The proposal doesn’t involve wetland or floodplain issues.

There were variances granted for setback of the front buildings in the initial development, but the back buildings meet setback requirements.

Sikkema pointed out a potential problem with parking standards. Based on methods of calculation, the 4 chair beauty parlor is required to have more parking than the doctor’s office, which is not logical since there are 14 patient rooms in the doctor’s office. Parking standards for doctor’s offices are currently based on the size of the waiting room. This should be reviewed at a later date.

Brian Anderson, general manager of IHS Building Co., introduced himself and stated he was representing the project and was here to answer questions.

Milton questioned why the Planning Commission was reviewing this – Woodward stated that every commercial development that is an expansion greater than 20% of area has to go through site plan review.

Ventura indicated that this is a pretty straight forward request.

Moved by Ventura, seconded by Meister, that after review of Application #SP14-03, a site plan review for Superior Development for parcel #52-02-107-003-40; and staff report dated 5/2/14; the site plan dated 4/20/14 be approved having met all requirements of the Ordinance with the following conditions:

1. *The signage and lighting will meet all requirements of the Chocolay*

Township Zoning Ordinance, with additional information as needed being submitted to the Zoning Administrator.

Meister questioned whether there was going to be a new sign, or will they use the existing sign. Woodward indicated they will leave the existing sign, or they could also apply for a sign permit if there is a change.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

C. Discussion of Master Plan Chapter 6

Woodward apologized for not completing Chapter 6 – she has a small section remaining concerning floodplains, wetlands, dunes, and other areas of particular concern, and will finish the section pertaining to productive resources such as forest lands and agriculture.

Bohjanen suggested a few changes. Page 90 – “Adaptation strategies address **symptoms** ... – *maybe it should be **systems?***” Woodward indicated that it actually should be **symptoms**, but for clarity the sentence was revised to read “Adaptation strategies, *such as water resource management, stormwater control, storm shelters, etc,* address symptoms.”

Page 91 add word in **bold** – “Impacts on plants, animals, and humans”, second bullet, “... but will the adaptation **occur** fast enough to compensate?”

Page 91, same bullet – Ventura indicated there should be commas separating the tree species, “... jack pine, black spruce, balsam fir, quaking aspen, eastern hemlock, tamarack, and ...”

Page 92 – header “Opportunities for Climate Change” – change to “Opportunities for Climate Change **Response**”.

Ventura, page 92 – first bullet – remove “***For example, the northerly migration of tornado zones may necessitate much needed improvement to buildings and infrastructure to make them stronger and more resilient. This will also spur the economy.***” *Ventura noted our buildings are built to withstand a snow load which is more than any place in the country.*

Ventura, page 93 – Fire Hazard Profile – first paragraph, last word – “***lightning***”, instead of “lightening”. Page 99 – questioned Engman Lake, Strawberry Lake, and Sporley Lake – not in Chocoley Township, but are part of the watershed. Left as is.

Meister questioned the idea of plant hardiness zones moving north – after this winter, there are many dead shrubs in the landscape. Maybe the zones are moving the other direction – laughter.

Woodward indicated that Chapter 7 will include detailed action strategies, land use plans, and the zoning plan.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

No Public Comment

X. COMMISSIONER'S COMMENT

Mahaney stated it was nice to see the improvements that Holiday Station is going to do. It will help with traffic flow. Meister indicated that it was nice to see the expansion of the medical facility, or any kind of expansion in Chocolay Township. Sikkema said there is a current project to remodel the bathrooms at the Welcome Center. Milton likes the design of the Holiday Station.

Ventura asked about some type of procedure to handle public comment letters received so that they don't have to read the whole thing publicly. Woodward indicated that she could not find any written policy or procedure. She also noted that it is not our practice to create a transcript of everything that is said in the meeting, so it doesn't seem reasonable to expect that we would include entire letters in the minutes, however the letters could still be read in their entirety. Ventura asked about including it as an attachment to the minutes – "Correspondence was received from ... See Attachment ...". Woodward stated that this would create lengthy documents in the official written record book. Sikkema reiterated that if someone came to the meeting and spoke at public comment, their entire comments would not be transcribed, only summarized. Ventura said his suggestion was not to make the minutes even more lengthy, because they already include more content than most places. Meister suggested passing along comments received to all members of the public in attendance, and paraphrasing them for the minutes, then the correspondence would not need to be read. Bohjanen suggested displaying it on the screen during public comment.

Sikkema asked if you can make public **comment** without attending the meetings. Woodward indicated that for public **hearings** we invite and accept written comment. She feels that we should at least indicate that correspondence was received during public comment, give a copy to the Commission, and summarize the main points that were written. If we had the communication before packets go out to the Commission, we would include it in the packets and on the website. However, packets are not usually available online until the Friday before the meeting, so it doesn't allow much time to respond. Woodward will check into suggestions for making public comment remotely and e-mail Sikkema.

XI. DIRECTOR'S REPORT

Woodward indicated the information for the Planning and Zoning Essentials in the packet. Milton indicated he had emailed an application to her at planner@chocolay.org. This is an out-of-date e-mail address. Smith and Bohjanen also indicated they would like to attend both workshops.

Woodward also indicated that the Lion's Field Recreation Grant application materials were included in this packet.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News

MI Association of Planning training in Planning and Zoning Essentials

Lion's Field Recreation Grant application materials

ADJOURNMENT

Sikkema adjourned the meeting at 9:26 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 2, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:32 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton, Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant.)

II. MINUTES

May 5, 2014

Motion by Bohjanen, seconded by Ventura, to approve the minutes as written. Ventura commented that they were very thorough and captured the essence of the meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Mahaney, to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Gary Walker, 765 Lakewood Lane – he has had several people approach him about the opening burning ordinance. We do not have the opening burning section on our website, so our citizens may not be aware of them. The opening burning section deals with burning of brush and trash. He notes that the ordinance does not provide for any penalties if you violate. This will be showing up in the agenda next week for the Joint Meeting in response to some of the complaints that he has had on fires being unattended. His suggestion is that the language be removed from the Zoning Ordinance and be made part of a Public Safety Ordinance – enforced as a civil infraction with fines by the police so they can handle after hours issues. It is a safety issue – around 3-4 times a year Walker investigates fires down the beach from his property to make sure the fire is out. There was an incident about 4 or 5 years ago where someone burned about a half a mile of beach grass. The beach grass isn't that big of a deal, but if the fire ever gets back into the jack pine our Fire Department would have a hard time dealing with it. This is a heads up that there are some citizens who are concerned.

Woodward added that the current applicable penalties are those that apply to any violation of the zoning ordinance, which can include a municipal civil infraction. She agrees with the separate ordinance suggestion, and noted that this issue is on the list of Planning Commission priorities for this year.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Discussion of Master Plan Chapter 7 partial

Woodward said she went through the Master Plan and pulled out the opportunities that the Planning Commission had identified that relate to action steps. Woodward completed the sections on economy, energy, fiscal sustainability (both community and household), transportation (both community and household), water and wastewater. There are still more sections she needs to go through and pull out the strategies. She wanted feedback on format, vision statement, policy statements, and strategies. The strategies have been divided into administrative strategies, regulatory strategies, and capital improvement projects. This way, staff and officials would look under “administrative strategies” for their tasks, zoning changes would be identified in “regulatory strategies”, and capital projects would all be in one section.

Bohjanen, regarding Page 111, list of acronyms for topic areas – he would like the full description for the acronyms to be more readily available while reading the strategies. Woodward suggested that she put “**Economic Development**” above the first occurrence of the words “**Strategy ED-1**” and “**Energy Infrastructure**” above the first occurrence of the words “**Strategy EN-1**” and so on. This format was agreed upon, while leaving the master list and the descriptions in the text.

The Commission discussed the vision statement. Mahaney questioned what “**built environment**” refers to – Woodward and Commissioners indicated that it pertains to anything that people have built or caused to be created, such as roads, utilities, parks, subdivisions, anything manmade and anything other than natural. Woodward felt that it was important to stress the word “**collaborations**” because that is essential to achieving anything in the Township. Regarding “**active, informed citizenship**”, there are a lot of strategies that deal with educating and engaging the public. Woodward felt it was also importance to work for the benefit of the Township and also the region.

Ventura felt that it was a good statement – he questioned the word “**inspiring**” – and suggested “**inspired**” instead. Change to “**...promotes collaborations between inspired, responsive leadership...**”. Sikkema indicated that they do talk about business environment in the Master Plan. So he wondered if something should be added to the Vision Statement. Add in bold “**... natural places, the built environment, the economic climate, and the people ...**)”

Page 106, Policy 4: “look at public places in ~~the~~ a new way ...”

The Commission discussed Policy 6 which encourages a more diverse revenue stream that is not dependent on property taxes for the Township. Meister wondered about the type of taxes – he is not in favor of income taxes. Woodward stated that income taxes were not discussed in the Master Plan – other options include special assessments, Corridor Improvement Authority district, etc.

Policy 7 – **Bullet #2**, Ventura suggested “*Create a more walkable and bike-able community*”. **Bullet #8** – Bohjanen questioned the “avoid strip, leap-frog, or sprawl development patterns” – he feels that in a township with as much area as ours, having isolated islands of minor commercial is not a bad thing. Sikkema asked Woodward where the statement came from – Woodward indicated it was part of the “Smart Growth Principles”. Bohjanen’s argument was that you will never have a “walkable community” that includes such places as Shot Point and Downtown Harvey. Sikkema indicated that the Township has multiple cultures – Harvey (somewhat urban) to extremely rural. It’s not a real homogenous community, and not all statements apply to all areas. For example, you can’t be a 100 percent walkable or bike-able community. Ventura also indicated there is a difference between a development like Kassel’s Korner that serves the Beaver Grove community and a strip mall. Kassel’s is community based/oriented and the other is not – the shareholders probably live elsewhere and you could end up with a lot of infrastructure problems and little return. Sikkema thought that this could be clarified per area in the Strategy portion. **Bullet #9**, Bohjanen thought it may help to add additional wording to the end of the sentence “...*conserve energy, encourage affordability, and promote neighborhood-serving commercial services*”.

Policy 8: Priority Decision Criteria – 14 listed. Sikkema mentioned that **Criteria 7** and **Criteria 12** both mention collaboration, but neither mentions consolidation. Woodward asked for clarification on what he meant by consolidation. Sikkema indicated that on a State level they try to consolidate efforts, so multiple agencies are not trying to attain the same objectives. Ventura mentioned you can consolidate human resources, but still maintain diverse facilities. Change **Criteria 12** to read, “*To what extent will the project or activity improve and increase opportunities for partnership, or consolidation of efforts or infrastructure, with other jurisdictions...*”

Policy 9: Woodward stated that she had been talking with Steve Lawry, Township Manager, and one of the things that he mentioned was that you may have to look at funding something when the funds become available, even if that particular project is not high on your priority list. Another thing Lawry pointed out was risk mitigation – if it involves improving the safety of something that we have, it should become a higher priority. Woodward stated that Lawry sees these as being additional criteria for recreational decisions. Ventura stated that funding availability and safety should be an over-arching concern no matter the nature of the decision. Woodward mentioned that safety is indicated in Criteria 4 of the Priority Decision Criteria. Addition to the title of Criteria 4 – “Strengthen Critical Systems and Public Health **and Safety**”.

Sikkema also pointed out that funding should not become its own criteria, because project decisions should be based on need, and not be driven by availability of funding. You should only look for funding for the things that are in the plan. Sikkema stated that he believes the purpose of the criteria is that you have 10 projects, and then find out you can get funding for #10, so then it moves to the head of the line. He doesn't feel you should start adding things to the plan just because someone will give you money for it.

Bohjanen indicated that the Recreation Plan already lists projects by priority for the next 5 years, with associated criteria. Woodward stated that in the Recreation Plan, projects are listed by the year that we would plan on doing them, but they are not necessarily prioritized. The general consensus was that a project that received funding would obviously automatically get moved up in importance. It was decided that **Policy 9** should be changed to: *"In addition to the Priority Decision Criteria, the criteria of the Recreation Plan apply to recreation decisions."* **Criteria 1 and Criteria 2 will be deleted.**

Woodward mentioned that Policy 10 should also be in the Recreation Plan. She will further research this, and if so, will restate Policy 10 similar to Policy 9. Otherwise, she will leave as is. However, Woodward indicated she does not know if every land acquisition decision is related to recreation and would therefore be included in the recreation plan. Ventura thought that Policy 10 could stay because it addresses land acquisitions. It was decided to leave Policy 10 in place – Ventura stated it may be unlikely that the Township will acquire land, but if there is an opportunity, there would be criteria in place. This criteria deals with "open space/natural area acquisition".

Policy 11 – Ventura asked Sikkema and Smith to explain how this policy about road capital preventive maintenance makes sense. Sikkema indicated that most capital maintenance is based not on age, but upon existing conditions and problems. Bohjanen asked about road ratings. Sikkema said the rating relates to road condition, and you're trying to keep them in good condition. Sikkema wasn't sure about the statement **"two years after the structural improvement"**. It depends on what you see. The concept of capital preventive maintenance was discussed. Ventura compared it to painting his older house as opposed to painting the new garage – this seems to be saying to paint the newly constructed garage and let the house deteriorate because it's older. Ventura asked if there had been studies that this was the most economical way to do this. Sikkema said yes, if you have limited funding. He said it depends on expected remaining life of the roadway. You wouldn't reconstruct a roadway that has 5 more years expected life. Instead, you'd keep the other roads from needing reconstruction, then reconstruct that one after the 5 years. Sikkema asked that Woodward discuss this with the Road Commission for better wording of this policy, and then present to Planning Commission again.

Policy 12 - Sikkema indicated that he would add one more bullet – **"Remaining service life"**. These criteria should also be explained elsewhere.

Ventura pointed out that Policy 11 is talking about preventative maintenance, and Policy 12 is talking about reconstruction.

Chocolay Township Strategic Plan – Bohjanen wondered about the meaning of “**Community Fiscal Sustainability**”, and asked for an example. Woodward stated it relates to the section on Local Government Financing.

Sikkema asked about “**Household fiscal sustainability**” and how it relates to the Township. Woodward stated that comes from Chapter 5 – the first section is household resilience. Commissioners felt that it isn’t something over which the Township has any control under the current governmental system. Woodward stated we could do education and support. It was decided to delete “**Household fiscal sustainability (FH)**” as a strategy category.

Strategy ED-1 – Sikkema asked what is re-localization. Woodward stated it was about strengthening the local economy. Ventura asked what is reskilling and indicated there is no such word as reskilling. On **Strategy ED-1.3**, change “**reskilling**” to “**retraining**”.

Strategy ED-1.7 – Sikkema is not sure that a government agency should be involved in creating local currencies – Ventura stated that it’s promoting a barter system – the US government is the only legal currency in the U.S. Meister also questioned the legality of this. Woodward discussed the concept of a “time bank”. Sikkema stated that unless they are claiming it as income, it’s illegal. Bohjanen did not think we could encourage a quasi-legal or illegal activity. It was decided that **Strategy ED-1.7** be **deleted**.

Strategy ED-1.11 – Business welcome packets – good idea. Sikkema wondered if CABA already does this. Woodward stated that CABA is not active right now. Leave **Strategy ED-1.11** as is. It was then brought up that CABA is mentioned in **Strategy ED-1.14**.

Strategy ED-1.14 – Since CABA is not currently active, Woodward suggested that “*In association with Chocolay Area Business Association (CABA) ...*” be replaced with “***In association with area business groups ...***”

Strategy EN-1.1 – Fuel fund – Sikkema wondered about the State already doing this with heating assistance. Woodward stated that this was more of a buffer for Township fuel use.

Strategy EN-1.2 – Emergency fuel resource – Sikkema noted this goes beyond governmental needs. Bohjanen noted the Township could sell fuel to these critical user groups. Sikkema said MDOT doesn’t keep fuel, but rather has agreements with other private providers to hold it in reserve for them. Change “*Establish ...*” to “***Arrange for ...***” *an emergency fuel resource*.

Strategy EN-2.3 – Milton doesn’t like this strategy. Bohjanen questioned use of “volunteers” – Woodward said staff won’t have time to do this. Ventura thinks there are programs like that already (Semco and power companies) to identify excess

energy use in buildings, and they include energy efficiency incentives (Federal, State). He doesn't know how you would get volunteers to go out and do those types of assessments. It takes equipment and training. It was decided that **Strategy EN-2.3** should be **deleted**.

Strategy EN-2.5 – Energy bonds – Public Act 270 gives the Township authority to issue bonds and special assessments to finance energy upgrades. Woodward stated that this Strategy just says to investigate the opportunity.

Strategy EN-2.6 – Discussed offering of tax incentives for renewable energy improvements. Gary Walker, Township Supervisor, indicated that he doesn't think we have the authority to fail to update assessments by ignoring improvements – there are strict State assessing guidelines. The Federal government does it through legislation. Mahaney said maybe it would just be a short-term delay. Woodward noted the tax increase might happen along with a future property sale when the improvements contributed to increased property values. Woodward will check with Township Assessor to see if we can legally do this.

Strategy FC-3 – Discourage short-term leases for long-term facilities. Bohjanen mentioned as an example that a long-term lease rather than a five-year lease would have been ideal for the Chocoy Community Farm, because you can't plant trees and expect to only have a five year lease.

Strategy TH-1.3 – *“Work with the City of Marquette ...”* change to ***“Work with nearby jurisdictions ...”***

B. Discussion of future land use and zoning

Woodward discussed future land use categories for the future land use plan, stressing the fact that this is not zoning, this is future land use. They don't have to be the same categories. She started with the character areas developed for the Master Plan Survey, which relates to current land use. Woodward suggested adding some “Mixed Use” areas to be consistent with the Master Plan, and possibly areas of “Mixed Density Residential” would include such things as single family, multi-family, etc. Smith asked if there was a current “Rural Residential” – Woodward indicated that we do not have a Rural Residential zoning district, but could incorporate that into the future land use. Woodward stated that the character map relates to what is already there, whereas future land use looks forward to what you want it to be.

The Commission discussed the purpose behind changing the zoning districts, such as consistency with the Master Plan, particularly the recommendation to add mixed-use areas and perhaps more commercial and industrial. They also discussed the purpose of the future land use map. Ventura said it makes sense to base the future land use map off the character area map.

Mahaney wondered about the end result – Woodward stated that it would guide the future zoning. He discussed a reactive approach as proposals come in. Mahaney doesn't agree with telling people what they can do with their property. Sikkema said

that's what zoning is – you are trying to protect property values. For example, people have to know what land uses might arise in the future so they feel their investment is protected. Woodward said that needs have been identified in the planning process, and we are trying to determine how to satisfy those needs. We have to be able to allow some development to occur. Sikkema said, for example, the Commission had discussed allowing neighborhood-serving businesses like Kassel's in other areas, but currently zoning does not allow it, and it might be beneficial to the community. Meister said a corner store is a good idea to support a walkable community, and they existed historically. The discussion resulted in the thought that foresight (through zoning) and buffering are important.

Woodward and the Commission discussed examples of future land use categories: Village mixed use (in the Harvey area with sewer, may see commercial with residential apartments above); Cluster mixed use (for example at Kassel's or the Varvil Center); Village residential (Harvey); Commercial/Light Industrial; Industrial; Primary working lands (forest and agriculture areas that may have homes at a very low density); Primary recreation; Rural residential; Sub-rural or Sub-urban residential. Sikkema asked what allows the future land uses to happen – doesn't zoning allow those land uses to happen? The number of future land use categories in relation to the number of zoning districts was discussed. To accommodate the future land use plan, you could either modify the zoning districts or modify the uses allowed in existing zoning districts. Mahaney wondered if this would increase the tax base. Woodward said that is one of the goals of the Master Plan.

Sikkema doesn't understand why we would redo zoning – there is no push.

Bohjanen stated there's a whole corridor that is not being developed because of restrictive zoning. A use may fit with our Master Plan and the location, but people have to go through a lot of hoops to accomplish that. Bohjanen thinks Woodward is trying to make it a simpler process, and the Master Plan says we should. He said when the zoning ordinance began, people zoned for the time, not for the future. Then they rezoned for the time, not for the future. He thinks Woodward is asking that they rezone now for the future.

Woodward said the Michigan Planning Enabling Act requires a Future Land Use plan and a Zoning Plan to be included in a Master Plan, whether we change the zoning or not. She was putting together a draft for the Joint meeting between the Board and the Planning Commission on Monday.

Ventura suggested the starting point be the character areas that relate to current land uses. Some residential areas may be able to be combined into one single-family residential land use.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

Woodward pointed out that there had been some written public comment received which was included in the packet. Sikkema encouraged all members to read the written public comment and consider them in deliberations.

X. COMMISSIONER’S COMMENT

Mahaney commented that when going through the Master Plan, it struck him that in the event of a natural disaster, the Township should consider assisting businesses that are essential to the Township, such as food storage, gas stations, etc. Woodward said she will consider this when putting together the strategies for that section.

Smith commented that UP Central Trails is a 501(c)3 organization that grooms snowmobile trails through grants. They groom from the Carp River to Chatham – the Chatham to Gwinn area has been under fire the past few years due to land control and changing ownership. UP Central Trails has been working with the DNR and the Forest Service to get a trail from Dukes, essentially down the old railroad grade that’s been abandoned by the Forest Service, come out at Mangum Road, cross Mangum, and head up Section 11. It’s all either State or Forest Service trail. Have been working on this since 2011, and finally have confirmation from the Forest Service. New trail will be built from Mangum Road (seasonal road) straight north to hit the existing snowmobile trail. This will be a north/south route connector for the snowmobile trails. No further comments.

XI. DIRECTOR’S REPORT

Woodward stated she had given the Planning Commission information on the Right To Farm Act Site Location GAAMP. This is given so that they can start reading for the discussion on agriculture regulations. The changes open up the door for our community to regulate some agriculture without being pre-empted. It’s going to be even more important to figure out what the community wants.

INFORMATIONAL ITEMS AND CORRESPONDENCE

- Planning and Zoning News
- Dees correspondence 5/26/14
- Mulcahey correspondence 5/26/14
- Right-to-Farm Act information

ADJOURNMENT

Sikkema adjourned the meeting at 10:00 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

SPECIAL MEETING
CHOCOLAY TOWNSHIP BOARD
CHOCOLAY TOWNSHIP PLANNING COMMISSION

June 9, 2014

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, June 9, 2014 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 7:00 p.m.

PLEDGE OF ALLIGIANCE.

Planning Chair Andy Sikkema called the Planning Commission meeting to order at 7:00 p.m.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Max Engle, Mark Maki, Susan Carlson, Richard Bohjanen.

ABSENT: Judy White.

TOWNSHIP PLANNING COMMISSION.

PRESENT: Andy Sikkema, Tom Mahaney, Bruce Ventura, Eric Meister, Andy Smith (arrived at 7:25 pm), Richard Bohjanen (also on Township Board).

ABSENT: Kendell Milton.

STAFF PRESENT: Steve Lawry, Kelly Woodward, Mary Sanders.

AGENDA.

The purpose of the Special Township Board/ Planning Commission meeting is to discuss future land use planning and zoning, Chocolay Community Farm license, Recreation Plan project priorities, Open Burning, Junk and Blight Ordinance revisions and Planning Commission priorities and performance.

Engle moved Carlson seconded to approve the agenda as amended and move Assignment of Chocolay Community Farm License to the first item on agenda.

AYES: 6 NAYS: 0 ABSENT: 1 MOTION CARRIED.

PUBLIC COMMENT.

Amy Conover, Superior Sustainability introduced herself.

ASSIGNMENT OF CHOCOLAY COMMUNITY FARM LICENSE.

Trustee Maki had questions on identification signage for the Chocolay Community Farm. He also felt that this was an increase in intensity from the past use of one person planting and harvesting the entire parcel of land. He feels this should go to the Zoning Board of Appeals as a non-conforming use of the property.

Planning Director Woodward stated that if structures were added, it would need to go to the Zoning Board of Appeals. This is still being used as farming, so the use has not changed and there is no need to go to the Zoning Board of Appeals.

Carlson moved Bohjanen seconded to approve the proposed license agreement with Superior Sustainability, which is a project sponsor for the Chocolay Community Farm Collaborative, as presented.

AYES: 6 NAYS: 0 ABSENT: 1 MOTION CARRIED.

FUTURE LAND USE PLANNING AND ZONING.

Planner Woodward explained to the Board that the Planning Commission is at the point in the Master Plan that focuses on the future land use plan, which is meant to be a depiction of future (20 years or more) uses of land.

Township Board and Planning Commission discussion on future land use:

- This is a long range look at zoning and we need to decide if we want to make changes in zoning or keep status quo.
- Comments from the majority of Township residents have been to preserve the rural character. There does not seem to be a large push for additional commercial.
- This is the struggle the Planning Commission faces; residents would like to see some commercial growth on M-28 and U S 41, but not change the rural feel of the Township.
- Do realtors inform us that they hear of a need for more commercial property in the Township?
- Items that discourage business in Chocolay are the size and shape of available parcels, zoning, and infrastructure (lack of a water system).
- Plan for places to allow a small amount of change, which is inevitable unless you chase it away. This is needed to support revenues.
- We should look at allowing multi-use in the existing commercial district. Allow a business on the bottom floor of a building with apartments above. Also multi-family development in the sewer district.
- Comments from the survey show a wish to retain young people and retain retirees looking to move out of the family home. This would require more apartments/condos and a zoning change.

- The City of Marquette takes a proactive approach to attract young people, such as providing transportation options.
- Clusters of small businesses supported by the residents that live nearby can be considered.
- Light industrial needs to be looked at before it happens on its own without forethought.
- Form based zoning could allow Commercial and Light Industrial in the same building near residences. This supports businesses with increased activity. It's about progress that won't change character.
- We need to control the area for an Industrial Park off a major road. See how other communities are creating these areas.
- There are different scales and types of industrial activity. Fraco is a great example of Industrial near residential. It is very well buffered.
- Revisit the Future Land Use map of the 2005 plan to determine changes.
- Government is not a great economic developer; it should be driven by the private sector.

The Board consensus was for the Planning Commission to continue to look at Mixed Use Zoning.

RECREATION PLAN PROJECT PRIORITIES.

A Recreation ranking document for the Master Plan was presented. The Board has a deadline of July 21, 2014 to make comments on the Recreation Plan Project Priorities; the comments will be forwarded to the Planning Commission for the August 4, 2014 meeting.

OPEN BURNING, JUNK AND BLIGHT ORDINANCE REVISIONS.

Supervisor Walker presented a suggested Outdoor and Open Burning Ordinance for Chocolay Township. The thought is to have a separate Ordinance dealing with Outdoor Burning separate from the Zoning Ordinance. Public Safety, Police and Fire Departments would handle the enforcement.

Township Board and Planning Commission discussion on an Outdoor and Open Burning Ordinance:

- Will campfires be allowed at the M-28 Turn outs or just private beaches?
- Buckets could be available at the turn outs for extinguishing camp fires.
- Contractors have difficulty disposing of large stands of trees from excavating at building site.
- We could add a clause that would allow commercial burning by conditional use permit in AF district on large parcels where it would not disturb the neighbors. Buffers are more important than the parcel size.

The Board concurred to add language to the ordinance to include our Police Department and Fire Department for enforcement, to allow camp fires at the M-28 Turn Outs and to add wording to allow commercial contractors to burn logs taken from development sites. This will appear on the Township Board June 16, 2014 agenda and will then be forwarded to the Planning Commission.

Township Board and Planning Commission discussion on Junk and Blight:

- The current Ordinance allows any number of vehicles on a piece of property as long as they are licensed. There is a forever license plate that can be purchased for \$75.00 and can stay on a vehicle forever. This could cause problems to our ordinance as it stands.
- Cargo trailers are also becoming a problem and are not addressed in the Ordinance.
- Damaged and deteriorated structures also need to be dealt with. How long should a non-functioning building be allowed to stand? Should we consider demolition permits to help control this?
- This ordinance is hard to enforce. We need to make it easier to enforce.
- How many times have we gone to court over vehicle issues? The Board needs to see photos of situations that the Ordinance does not address. Bring a list of specific problems pertaining to this Ordinance to the Board before we can move on this issue. This might include the storage of multiple RV's on a property, multiple licensed trailers and vehicles, etc.

DISCUSSION OF PLANNING COMMISSION PRIORITIES AND PERFORMANCE.

Andy Sikkema, Chairman of the Planning Commission said they are trying not to take on so much, so they may not be able to take action just because someone asks in public comment. He presented the following priority list to the Township Board.

- 2014 Recreation Grant application
- *Finish the Master Plan update*, including prioritization of projects
- Finish unfinished proposed zoning ordinance amendments
- Reconsider the "Accessory Homesteading Activities" regulations after evaluating public input
- *Junk car and blight ordinance updates*
- Asset Management Plan for Township roadways
- Consider need to amend burn regulations
- Necessary updates to the Lot Split and Land Division ordinances

Comments made by the Township Board to the Planning Commission:

- The Planning Commission should address Private Road regulations. There are concerns about allowing four lots off one private driveway, even with the 66' easement requirement. There are no construction requirements. This is a safety

issue for Police and Fire emergencies, especially when properties are not appropriately addressed.

- Homes on private roads should have fire numbers.
- The Commission discussed concerns relating to seasonal rentals and site plan review not having a provision to notify neighbors.

Supervisor Walker thanked the Planning Commission for their thoroughness and consideration of issues. He very much appreciates their hard work. The Board agreed with his comments.

PUBLIC COMMENT.

Karen Alholm, Zoning Board of Appeals member introduced herself to the Board. She is running for County Commission District 6 (vacated by Greg Seppanen).

Tom Mahaney, Planning Commission member commented that we cannot get the Third Street business feel in Chocolay Township due to traffic speed on the business corridor.

Supervisor Walker adjourned the meeting at 9:45 pm.

Max Engle,
Clerk

Gary Walker
Supervisor

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, July 7, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:32 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura

Members Absent: Tom Mahaney

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

June 2, 2014

Motion by Ventura, seconded by Milton, to approve the minutes as written.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

June 9, 2014, Special Meeting Township Board and Planning Commission

Motion by Meister, seconded by Smith, to approve the minutes as corrected. Page 3, last bullet, change the word "that" to "than".

Vote Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as written.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – Commenting on the proposed burn ordinance. She thinks the Township really needs to educate the public, visitors, and part-time residents. She suggested the following considerations: Section 2.1 – she perceives a problem with this section related to bonfires used to cook food. Section 4 – there are differing perceptions of "small" in relation to the definition of "campfire". She thinks differing officer perspectives will lead to enforcement difficulties so "small" needs to be defined. She said construction and demolition waste can't be burned according to State law. Section 4.9 – she feels it's hard to quantify nuisance fires in relation to odor because of differing perceptions. Section 6 – Public Act 102 of 2012 is very restrictive regarding burning of refuse. Section 6.2.5 and 7.1.7 – she thinks there's a problem with defining "competent" person. Section 7.1.3 – she thinks we should add that visibility won't be impacted on trails. Section 11, Liability section – should add the word, "person STARTING, . . . a fire". Section 12.1 – it should not read "his/her", it should read "their". Section 12.2 – How do you determine the application of a minimum vs. maximum fine? Section 12.3 costs – enforcement costs will be extensive, and often greater than \$500. She thinks the recovered costs should be reflective of true costs, based on hours

involved and salary/benefit levels, so the community doesn't incur the costs. She said the Planning Commission should again consider differences in the location of "front yard" for lakeside residences and the relationship to appropriate regulations.

Dick Arnold, 312 West Branch Rd – Was happy about the disappearance of the crane from the Hotel Place property. He encouraged the Planning Commission to protect residential areas. The house is most people's biggest investment.

Laurie Krzymowski, 741 Lakewood Lane – She expressed her negative experience with a bonfire of leftover building materials, brush, and refuse at a neighbor's house. She said the fire was 12 to 14 feet tall and 10 feet in diameter, burned for three days, and was not extinguished by the property owner. The police weren't able to ticket the property owner based on current regulations that classified it as a campfire. She showed pictures of what she does not consider to be a campfire, and noted the special risk of fire reaching the tall pine trees and beach grass. She thinks the police should enforce a size limit for fires that is related to the typical size of a fire ring, or human size (campfires should not be taller than a person). She said people can cut their fuel to be of more reasonable size. She noted the risk of injury to people walking the beach where fires are not fully extinguished, especially since the local hospital does not have a burn unit. She thinks people that have unattended fires should be automatically ticketed, and that recreational burning should not be allowed between 1:30 am and 7 am.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Open Burning Ordinance

Woodward said the Township Board has reviewed the proposed ordinance. They asked the Planning Commission to review the ordinance, hold a public hearing, and submit recommendations.

Sikkema asked Woodward to clarify the role of the Planning Commission in relation to a public safety ordinance such as this, as opposed to the Zoning Ordinance. Specifically, he asked if the Township Board can approve this ordinance without Planning Commission input. Woodward said she was not sure, but the Board has asked for Planning Commission input. Gary Walker, Township Supervisor, said that as he understands Township history, the Planning Commission reviews all proposed ordinances. He said the Board does not have to hold a public hearing on the ordinance if the Planning Commission holds a hearing. Ventura asked why the Board isn't conducting the public hearing if they are the ones approving the Ordinance. Walker said, "for the same reason the Planning Commission holds public hearings on zoning amendments, which are also approved by the Board." Walker said the Board can hold a public hearing, but doesn't wish to. He clarified that there is a requirement that a public hearing be held, but it can be held by either public

body.

Meister asked for clarifications about the permit process, and what constitutes a permit. Sikkema noted that it's like "permit by rule" – the permission to burn is granted by the DNR by a posting on their website. It is not necessary to submit an application, and no one is issued a written permit. Woodward noted the DNR permit only applies to open burning of leaves, brush, trees, and other vegetation. Sikkema clarified the permit also does not apply to recreational campfires or bonfires.

The Planning Commission reviewed the marked-up version with Planning Director comments – the marked-up version is based on the text as approved by the Board to send to the Planning Commission, and also contains modifications suggested by Woodward. All of Woodward's modifications were accepted except as noted hereafter.

The Commission discussed the definition of "campfire" and the public comment received. Bohjanen said he agrees with public comment on the concept of size, and he doesn't understand what a "small bonfire" is, when by definition a bonfire is a large fire. Sikkema said he can see why location would be relevant in relation to size of fires. Bohjanen said if you are going to allow campfires without a permit, a size limit seems reasonable. Sikkema asked if this would relate to the size of the flame or the size of the fuel pile. Bohjanen was more concerned with diameter than height. Ventura said the height of the fire will depend on the fuel, and fires of the same diameter may have differing burn heights. He thinks that if we implement a size limitation, it should be easy to measure and enforce. Walker said a campfire does not require a permit under State law. He did not find a size limitation in any model ordinance. He does not think the term as currently defined will present a problem to legal defense in Court. He thinks there are ways for officers to distinguish between recreational fires and those meant to dispose of materials, which are both allowed under the ordinance, but one requires a permit. The ordinance also says fires must be attended. Sikkema asked if the Commission wanted to better define the size of campfires, or trust to discretion. Milton said his definition of a campfire is something you can be close to and cook over. He thinks police or other public officials would be similarly able to distinguish a campfire. Meister was in agreement with this. Bohjanen said he agreed as long as Section 7.1.5 is modified to delete small bonfires as follows, "Outdoor campfires ~~and small bonfires~~ for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance." This change was accepted by the Commission.

Pages 1 and 2 were accepted without change. Sikkema questioned if the definition of nuisance fire would allow someone to complain about any smoke, even smoke from clean wood, as a nuisance. It was agreed that this could also be left to the enforcement officer's discretion, and was noted that the materials that would cause a nuisance are prohibited for burning.

The Commission discussed the new prohibition on open burning of refuse from a

commercial or industrial establishment and supported it.

Sections 6.2 and 6.3 are identical to the current provisions of the Zoning Ordinance, and no changes were made to these sections.

Section 7.1.3 – the Commission considered adding trails and public beaches to those areas where fires shouldn't create adverse effects such as health or visibility hazards due to wind and weather conditions. They discussed whether DNR restrictions are sufficient to protect against these nuisance impacts, and whether or not this should be enforced by the Township. Walker said the DNR doesn't enforce their restrictions. This provision enables the Township to enforce sensible restrictions related to local wind conditions. Smith suggested eliminating the words "on roadways or railroads" so the provision will be encompassing of all areas, including trails and public beaches. The provision was changed as follows: "All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard ~~on roadways or railroads.~~"

Section 7.1.4 – regarding the provision that burning take place only on the property on which the materials are generated. It was interpreted that this means you could not remove materials from one property and burn them elsewhere. This is a difficulty for excavators. Bohjanen said there had been some discussion of amending the zoning ordinance to allow this type of burning in some zoning districts. He suggested deleting this provision. If this type of burning was conducted, the nuisance provision would address it. Walker said this provision was not intended to address the burning of materials from excavations, it was meant to assist in limiting the size of burning that would typically occur. For example, it would not allow someone to combine materials from his neighbor's property with his own materials, resulting in a larger burn. Sikkema thought it would be difficult for a police officer to determine where the materials come from. Meister said his neighbors ask to burn their Christmas trees on his property where it's far away from other homes. Smith said there are other properties where larger burns could occur without being a nuisance. The Commission agreed to delete Section 7.1.4.

Section 7.1.8 – regarding no burning on the ice of a lake, pond, stream, or waterbody. Smith asked about the impact of this provision on people who are out ice fishing and have a small campfire. Ventura asked if the DNR addresses this issue. Smith suggested taking out that part of the provision. Meister said you could prohibit this except for campfires. Woodward will reword this to except campfires from the prohibition to burn on the ice.

Sikkema said Section 10 means that if you're going to burn anything that's not in a burn barrel, or a campfire, or a fire in your house, you have to get a permit from the DNR. This was acceptable to the Commission.

Section 11 – Liability. Woodward reminded the Commission of the public comment on this item. Ventura said arson would become a civil infraction instead of a felony.

Sikkema asked Walker about liability costs – are these liability costs to the Township, or does this get the Township involved in private matters? Walker said this provision would not make us a player in private matters. You could sue your neighbor for starting your field on fire, and this provision of the Ordinance would probably assist you in doing so. Sikkema asked if this would obligate the Township to assist in private liability matters. Ventura made the point that if a firefighter was injured on the job, that's not a cost of fire suppression, but it's still a government-related cost or liability that the person starting the fire should be held responsible for. Sikkema said he has no problem with the Ordinance enabling the Township to recover their costs, but doesn't think that should extend to a civil matter between two neighbors. Ventura agrees, but doesn't think this should be limited to fire suppression costs. Walker suggested a change to add one word, "and any other TOWNSHIP liability". This change was accepted.

The Commission discussed Section 12.2, minimum and maximum fines and the public comment. Sikkema asked if this is common in Township ordinances. Walker affirmed you can have either a set amount or a range. The judge has the discretion to levy a fine within this range. The police issue a citation of violation, but the judge determines the fine amount. Woodward said her understanding of the public comment was that the speaker thought the fines should better reflect true costs. Walker said this section is not related to cost recovery. It's a penal fine. Cost recovery would come under another action. Walker said he thinks the most common violation will be unattended fires.

There was no further discussion.

Bohjanen moved, and Milton seconded, to accept Ordinance #59, the Charter Township of Chocolate Outdoor and Open Burning Ordinance, with modifications, and to hold a public hearing on this proposed ordinance at the August meeting.

Meister asked about the approval process, and what would happen if the Board changed the proposed ordinance after the public hearing, and if another hearing would be needed. Walker said an additional public hearing would only be needed if a fundamental change was made. Walker said with the good changes the Planning Commission has made, he wouldn't anticipate such a change from the Board. Woodward said the Township Manager anticipated the public hearing would be held at the Planning Commission meeting in August, and the Ordinance would be before the Board for a first reading in August.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

B. Amendment of Zoning Ordinance – remove open burning provisions

Sikkema explained that this agenda item is to vacate portions of the Zoning Ordinance that have been proposed to be moved to Ordinance #59, the burn ordinance.

Bohjanen moved, and Meister seconded, to delete Section 6.5(D), items 1-3, from the Zoning Ordinance, to send it to the County for review, and to hold a public hearing on this zoning amendment at the August Planning Commission meeting.

Vote Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Discussion of Master Plan Chapter 7

Woodward said she had highlighted the new portions of Chapter 7.

No changes to pages 108. Page 109, delete the bullet, "Avoid 'strip', 'leap-frog', or 'sprawl' development patterns which promote inefficient use of land and energy resources," as being contradictory to the next bullet, "Promote compact or cluster development patterns that preserve natural and recreation areas, conserve energy, encourage affordability, and promote neighborhood-serving commercial services". Allowing some development in other portions of the Township, such as Beaver Grove, might be interpreted as leap-frog development.

Page 110-111, and 113-114 no change. Page 112, switch Priority 3 Energy System and Priority 4 Public Water Supply System. Order of priority is now #1 Sewer, #2 Roads, #3 Public Water Supply, and #4 Energy.

Page 115, Strategy ED-1.2, change the word "reskilling" to "retraining".

No changes to pages 116-117. Page 118, Strategy GN-4, change the first "and" to "as". Page 119, Strategy NS-3.1, change the word "basic" to "basin".

Sikkema asked about the purpose of strategy LU-1, "Work with area experts to plan for the future management or replacement of jack pine areas". Woodward said that the jack pine represents such a fire hazard, and her thoughts were that any time a jack pine area was harvested, the Township should try to work with the owner to see if something else could be grown, especially if the climate continues to change.

Page 120, Ventura asked about Strategy PS-1.1, "Prepare and distribute educational materials regarding the importance of conspicuously posting addresses to facilitate timely emergency services". He asked why the posting of addresses is not required. Woodward said she thought the Township has an address ordinance that covers this, but it may not be enforced. The Board had discussed utilizing fire numbers, but it was determined to be too costly. Ventura is concerned about the instances where several homes share a driveway, making it hard to find the right home in case of emergency, especially at night. Ventura just thinks more should be done to ensure posting of addresses.

Sikkema asked about placemaking Strategy ED-3.6, "Ensure that regulations support the development of a four-season resort in appropriate areas of the Township." Meister said he's fine with the idea, but if this is commercial, could this be considered spot zoning? Woodward said it could be accomplished by Planned Unit Development (PUD). Page 125, Bohjanen asked about Strategy FS-2.5, "Amend the zoning ordinance to allow food marketing and distribution facilities (mobile or fixed) with appropriate restrictions in all districts." He wondered about "ALL" districts. Woodward said some districts might only allow mobile vendors, for instance. Woodward said the idea is to bring the essential food closer to neighborhoods. Bohjanen is ok with this since it says "with appropriate restrictions". Woodward said

the restrictions would be determined in the zoning amendment process. Sikkema asked about enhancing the capacity of water storage, and if that would involve dams. Woodward said no, it would involve watershed strategies to slow flow, preserve floodplains against development, etc.

No changes were made to page 120-130. Page 131, Strategy EN-4, change the word “probably” to “probable”. Strategy FS-1.7, change the word “City” to “Township”. Unused headers will be removed in the final draft. No changes to pages 133-137.

IX. PUBLIC COMMENT

Laurie Krzymowski, 741 Lakewood Lane – She told the Commissioners “thank you”.

X. COMMISSIONER’S COMMENT

Ventura will not be able to attend the next meeting. Meister suggested send out fire safety information, especially to those living along the Lake, to highlight the importance of extinguishing beach fires so they don’t injure people walking on the beach. Bohjanen said that a fire in the vicinity of Lakewood Lane might have the most economic impact, however, in terms of fire suppression, fires on inland properties south of M-28 might be much more difficult to contain and might burn much faster because of fuel load and lack of water supply. Sikkema mentioned that the lake bottom (high water mark) is public property, so one issue is like a fire in a park, and the other is fire on private property. Walker said there will be publicity for the ordinance changes, especially that you cannot have unattended fires, and that fires must be extinguished.

XI. DIRECTOR’S REPORT

Woodward said the next meeting will involve reviewing the future land use plan and other appendix maps and information.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Planning and Zoning News

Attorney correspondence of July 7, 2014, regarding the Chocolay Community Farm

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, August 4, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Tom Mahaney, Kendell Milton

Members Absent: Richard Bohjanen (Board), Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator)

II. MINUTES

July 7, 2014

Motion by Milton, seconded by Mahaney, to approve the minutes as written.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Meister, to approve the agenda as written.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – She thinks the Township really needs to concentrate on educating the public about the new burn regulations and the reasons behind them as this could alleviate many issues. She appreciated the FireWise information she received in a Township mailing. Mulcahey helped to educate a citizen who was burning dune grass. The citizen removed and was burning the dune grass because there wasn't enough beach. Mulcahey told her why the dune grass is important to stabilizing the dunes, and the citizen thanked her for the information.

V. PUBLIC HEARINGS

A. Draft Ordinance #59 Outdoor and Open Burning Ordinance

Deborah Mulcahey, 633 Lakewood Lane – She supports the ordinance and thanks the Commission.

B. Zoning Ordinance amendment #ZA001-14, deletion of Open and Outdoor Burning of Refuse and Brush regulations from the Zoning Ordinance

None

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Draft Ordinance #59 Outdoor and Open Burning Ordinance

Milton suggested a change to the definition of "refuse". Insert words in bold,

“Refuse’ means any **combustible or solid** waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.” The Commission accepted this amendment to the draft. There were no other changes.

Milton moved, and Mahaney seconded, that after holding a public hearing and considering public input, the Planning Commission recommends that the Township Board approve Ordinance #59 Outdoor and Open Burning Ordinance as changed.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

The Commission discussed various ways to provide education. Mahaney was particularly concerned about education for new residents. Woodward suggested materials to be distributed in the Township office and on the website. She noted the Township has also distributed information along with assessment mailings to property owners. The notice of ordinance adoption will also be published in the newspaper. Mulcahey suggested placing a notice on the Township sign.

B. Zoning Ordinance amendment #ZA001-14, deletion of Open and Outdoor Burning of Refuse and Brush regulations from the Zoning Ordinance

Sikkema explained that this agenda item is to vacate portions of the Zoning Ordinance that have been proposed to be moved to Ordinance #59, the burn ordinance.

Meister moved, and Smith seconded, that after holding a public hearing and considering public input, and notifying the County Planning Commission of the proposed change, the Planning Commission recommends that the Township Board approve the deletion of Section 6.5(D), items 1-3 pertaining to open and outdoor burning from the Township Zoning Ordinance because a separate public safety ordinance has been drafted to address these issues.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Discussion of Future Land Use for the Master Plan update

Woodward explained the maps and descriptions that were included in the packet, and asked if there were any questions.

Sikkema expressed the thought that people live in Chocoday Township because of how it is, and said if we start expanding then people may not want to live here anymore. He said our existing mixed-use areas work very well, but he is cautious about opening it up in other areas. Mahaney said people live out here because they don't have the hustle/bustle of Marquette. Sikkema said people accept the inconvenience.

Meister asked for clarification on whether Sikkema is referring to the added uses in the AF district or the proposed clustered mixed-use. Sikkema said the corridor mixed-use makes sense, because they want redevelopment and it's not happening on its own. The existing commercial zoning may be restrictive.

Woodward explained that the only areas on the map representing newly proposed mixed-use are the M-28/Kawbawgam Road intersection (although the area currently

has a casino, apartment, and campground), CR480/Cherry Creek Road intersection, and a few larger parcels just east of the golf course which could be used for commercial uses that don't require large amounts of water. The areas designated for mixed-use expansion that already contain a mix of uses include the Beaver Grove area between CR480/Basal Road and Mangum Road, the area around the Varvil Center, and the area on Main Street between the condos and the multi-family development at Hotel Place, and including the Bayou Restaurant. This could be a small scale neighborhood mixed-use area.

Woodward urged the Commission to keep the principles in mind that were outlined in the Master Plan update, such as the value of having mixed-use nodes within walking distance of neighborhoods to better serve residents. This future land use map was intended to address that issue.

Sikkema said he thinks it's too much, too far out, and the public survey indicates people value rural character; too much commercial in more remote areas moves away from that.

The Commission opened this item for public comment.

Deborah Mulcahey, 633 Lakewood Lane – Said she appreciates her location in proximity to products and services, and the fact she doesn't always have to go in to Marquette. She does miss the ice cream store that was located at the corner of US41 – she thinks people liked this because the Township is a vacation area. She doesn't like to see the spread of industrial uses because everyone utilizes wells and septic systems, so we'd have to be mindful of the types of businesses that were going in. She understands the need for balanced growth, but retaining rural character is important to her. She supports mixed-use in the core since the buildings are already there, as long as the water and sewer system is capable of handling the development.

Gary Walker, 765 Lakewood Lane, said his assumption is that much of the US41 corridor is not zoned for residential. He understands and agrees that opening residential neighborhoods to mixed use creates potential sprawl problems, and may change the character, but zoning the US41 commercial corridor for a mix of apartments and commercial won't hurt the nature or character. He thinks it may enhance it. He said one of the problems we have is that there is a fair amount of underdeveloped or undeveloped land along the corridor. If something new came in, he would much prefer small shops with apartments than a large plot with storage buildings. This will help the character of the corridor.

Mulcahey said apartments above businesses would appeal to a certain demographic. She thinks storage uses would be appropriate if they are not the first thing people see coming in and out of the community. They should only be incorporated behind other uses or behind a vegetated buffer but not fences.

Dick Arnold, 312 West Branch Rd – He said the Commission should zone it to allow more uses and let the public determine what goes there. You can't dictate where a business will be successful. If you zone for a mix of uses, then the developers can decide what to build.

Sikkema asked Commissioners for their thoughts.

Mahaney suggested implementing the mixed-use along the corridor and keeping the other areas the way they are. If the development is concentrated there, it might force some redevelopment of blight.

Meister doesn't think mixed-use would be well accepted by the public at the Cherry Creek/CR 480 intersection. He thinks the Village Mixed-Use area might be a little extensive for the immediate future, but he can see how that could fill in with mixed-use in the future. He thinks the mixed-use zoning should be implemented in a smaller area (not all the way to Ortman and not so far out on M-28), but plan for the mixed-use to grow as the need grows. Perhaps show the future expansion in hashed red.

Smith is in agreement. He thinks some change is needed to accommodate developers and simplify the process. He watches the businesses struggle in the Moyle development, as evidenced by vacancies, and he thinks if they could have apartments above it might help the viability of the development.

Milton asked for clarification on where the Commission wants to keep the mixed-use designation. He asked how far back the mixed-use area would extend from the corridor? For the large parcels, is there a way that only a portion of the parcel could be mixed-use? He would like to see mixed-use next to the Class A highway.

Woodward reminded the Commission that the future land use plan is meant to address land use as much as 20 years into the future. The implementation through zoning ordinance changes can be phased. This will be outlined in the zoning plan. She said she incorporated the outlying parcels in the Village Mixed-Use area because they offer the only opportunity for development requiring larger parcels.

The Commission discussed each proposed mixed-use area, starting with the neighborhood mixed-use area at Kawbawgam. This was intended to include a mix of commercial, medium density residential, civic, and institutional uses near neighborhoods, but not industrial. Commissioners discussed what types of commercial uses might choose that location. Sikkema said M-28 and US-41 are the gateways to the community, and you want to present yourself as a nice residential, rural township. If people see warehouses and mini-storage businesses, they will think that's what the community is. For example, Marquette Township is perceived for the big box retail, not the rural landscapes on the way to Big Bay. He thinks the public perception is created by what they see on the corridor. Mahaney said this is a small frontage of M-28 that would be mixed-use.

Sikkema would want to see more rural residential because it's a scenic area along M-28. That's what people see and how the Township presents itself; people like it. He doesn't want that area represented by storage buildings and contractor yards (other areas are more appropriate). Mahaney reiterated the benefit of starting with the Village, because the businesses feed off each other. There are positive benefits of condensed mixed-use. Meister said it would be nice if they could accommodate a neighborhood convenience store, such as in the old bank building. It would serve

the community and not have a negative impact. Sikkema asked if that could be done through a PUD. Woodward said the minimum lot size requirement might need to be changed. She said the other option is to make a mixed-use building a conditional use in certain districts. Then it might go anywhere that meets the conditions. Sikkema said that's a good thought to implement the mixed-use. Woodward reminded the Commission that their task is to determine which uses are appropriate in the location, but not yet what mechanisms will be used to achieve those land uses. That will be outlined later in the zoning plan.

There was not much support for mixed-use at the Kawbawgam Road area or intersection of CR 480/Cherry Creek. Since the area adjacent to Lion's Field is already mixed-use, that was supported. The Commission discussed the Beaver Grove area. Sikkema said right now needs are met by the current zoning, which is mostly residential with some spot zoned commercial that is grandfathered. Smith and Mahaney said the area is actually mixed-use now. Sikkema said now you have chunks that are zoned exclusively residential, and this would open it up to commercial uses going in next to residences. If nothing is changed, then the commercial would be limited to existing parcels. Meister said that until municipal sewer and water is available he can't imagine much expansion. Smith said the water issue limits development east on M-28.

The Commission discussed water-oriented residential land use, which is mostly the same as the existing Waterfront Residential zoning district with the designation to include the addition of some river-front parcels. Milton asked about taxes on waterfront property. Mahaney said he likes the idea of vacation rentals along there – it's a good use. Accessory dwelling units were discussed. Sikkema is not in favor. Meister said it should be discussed, and the conditions established, before he makes a decision. Home rentals were discussed. Milton said it would be limited by the ability to have sufficient septic. Woodward said these properties were labeled as such on the future land use map because that's what they are – residential uses that have a special relationship with a water feature.

No changes were made to Village Residential, which is basically the same as the existing R-2 zoning district. Sikkema pointed out the allowance for accessory dwelling units. Woodward said that currently the R-2 zoning district is the only one that does permit duplexes.

The Commission discussed the neighborhood residential future land use map and description. Woodward said it basically mirrors the current R-1 zoning district, with a couple areas allowed for expansion near CR480 and Cherry Creek Road. Sikkema said the use changes include accessory dwelling units and farming activities. Woodward said the designation is based on a residential neighborhood character of existing development, and vacant areas that would be compatible. Sikkema said he has a neighbor with two roosters that are like barking dogs that go from three in the morning to ten at night.

The Commission discussed corridor residential. Woodward pointed out a possible need for minimum lot width requirements that would meet good access management standards. This would only apply to new parcels. However, it's just a small part of the Township, and most parcels are already created. The Commission decided to include these parcels in the R-N (residential neighborhood) designation.

The Commission discussed the R-R designation, and whether there is a need for this, or whether they should stay in the AF district. Sikkema discussed an area of Washtenaw County that had been divided into five acre parcels, which ended up being hard to service because development wasn't concentrated, and just created sprawl. Woodward said her intent was to preserve the rural feel of those parcels that weren't located on major roads but were near existing neighborhood development. This future land use was not changed.

The Commission discussed the primary working lands category. Sikkema asked Woodward about changes from the current AF district zoning designation. Woodward pointed out she had created some criteria by which the Commission might allow other uses on smaller lots by special review in that future land use area. She had also tried to allow for smaller hobby farms under certain conditions. This proposal was discussed. The Commission decided not to allow division of primary working lands into smaller hobby farms even under restricted circumstances.

Smith discussed the need to have another district to protect the people who live on smaller lots in the AF district (such as Foster Creek) and shouldn't have to live next to farms. Woodward said she did include the Foster Creek neighborhood in the R-R future land use category. Smith said he thinks regulations are needed to protect these parcels that are in the AF district but don't belong.

The Commission discussed the proposed description for other uses allowed at greater density, and whether the density was achieved through smaller lots of conservation development. Woodward said it might be beneficial to allow some farm-related or farm-compatible uses on smaller lots so that more land is left for farm use. The current zoning ordinance provisions for Rural Cluster Development subdivisions, consistent with the Open Space Preservation zoning allowed through the Michigan Zoning Enabling Act, was discussed. Mahaney asked if there was a minimum lot size requirement for that type of development. Woodward said this would be necessary since the area is served by wells and septic. Woodward said the Commission could consider differing standards for planned unit developments in different zoning districts. Planned unit developments and the open space preservation method and associated benefits were discussed. Woodward said she could adjust the future land use map to reflect their ideas and come back with suggestions for implementing them.

Mahaney moved, Sikkema seconded, to have Woodward streamline the future land use map in relation to their comments, and present it at the next meeting.

Vote Ayes: 5 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – She appreciates that the people that are here represent the older generation and are mindful of aging in place. But she thinks we really need young people here to talk about what's happening in the Township in the

future and what they want. The people that are here know what they want, but don't know what younger people need. She wants the Township to stay away from sprawl development. The area by Lakestate Industries by Lion's Field looks like a dump and is not welcoming to Chocoday Township. She discussed a couple of concepts in the proposed language for water oriented residential land use. The former planner sent letters to people known to have rental properties, and it was helpful with alleviating nuisances. She is happy to see customization of fence regulations for waterfront properties. She hopes the statement about preservation of views applies to the "lake side", not the "non-lake" side, so that trees on lake front lots can be preserved. She thinks the intersection of US-41/M-28 is dangerous and she avoids it. She doesn't agree with the Planning Commission's approval of the Holiday Station plans to close the north driveway but leave the south driveway open. She thinks there is a need to create a narrow public easement for people who don't live on the lake to access the lake without going through private property.

Dick Arnold, 312 West Branch Rd – He thinks it would be nice for the public to be able to see the map so they know what the Commission is talking about. He lives in the AF district which he said has 841 parcels totaling about 8,000 acres. 512 of those parcels are nonconforming because they are under 20 acres. In those 8,000 acres he said there are five parcels where beef or milk cows are raised. There are about four parcels where only crops are raised. There are 15 to 20 parcels where people have horses for recreational purposes. He thinks we should zone the existing farm parcels for agriculture, and not the rest, because it's expensive to clear land. He is concerned about the size of accessory buildings that people can put up in the AF district. They can be too large. He thinks we need to protect the people who have smaller parcels. He doesn't think a racetrack is proper as a conditional use next to small parcels. He thinks it will be hard to find land to divide into 20 acre parcels.

X. COMMISSIONER'S COMMENT

Smith said he would like the Master Plan to explore getting the nonconforming parcels in the AF district into a separate zoning district to protect people on smaller lots from having large pole barns ruining the character of residential subdivisions such as Foster Creek.

Sikkema would like to have a report of zoning enforcement complaints and actions presented at each meeting, called the zoning enforcement activity report.

Mahaney revisited the Holiday Station site plan review. He did not feel he had enough time to study the highly technical issue and look at all the options. He asked if things could be tabled to the next meeting when he wants to look at things in more depth. Sikkema said anyone can propose to table an issue. Woodward noted that businesses will not look favorably on delays. Sikkema reiterated that the driveway that will be closed is the one where the crashes occurred. The decision was further discussed.

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Correspondence from Commissioner Richard Bohjanen regarding future land use plan
Planning and Zoning News

XIII. ADJOURNMENT

Sikkema adjourned the meeting at 9:15 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 8, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Bruce Ventura, Tom Mahaney (arrived at 7:33 p.m.)

Members Absent: Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

August 4, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as written.

Vote: Ayes: 4 Nays: 0 Abstain: 1 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Ventura, seconded by Smith, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. Rezoning Application ZA002-14, 118 West Wright Place, PID#52-02-106-043-80

Woodward explained that this was a request to rezone this residential property (meaning this property is in residential use) from commercial (C) to Residential 2 (R2) zoning. This property has a history of bouncing back and forth between residential and commercial zoning. This property started out as residential, and was rezoned to commercial in 1998. This is causing difficulty in selling the property. This is a small lot of approximately 17,425 SF, and a lot width of 179 feet. Woodward also pointed out the District regulations that pertain to the property. She has also provided the regulations pertaining to "Lawful Nonconforming Uses and Structures, Section 14.2", which essentially says if the cost of reconstruction after some type of calamity exceeds 75%, it would not be able to continue as a residential use, and would have to be rebuilt with something appropriate for the commercial zoning district. Woodward summarized information from the current adopted Master Plan and draft Master Plan.

Olive Hillier, 118 West Wright Place – they are getting older and have poor health. They want to sell their house and move south. They had an interested buyer, but it

fell through because of the clause that the house could not be rebuilt due to the commercial zoning. So they'd like to put it back to residential.

Dale Hillier, 118 West Wright Place – The rezoning would expedite their health care and sale of the property.

Pete LaRue, 426 Corning Avenue – He owns the property across the street. He doesn't think it would make a difference to rezone it back to residential. The doctor's office was rezoned from commercial to residential (Corning Apartments). He thinks we'd be doing the right thing to approve the rezoning. No one will buy one small parcel for commercial development.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Rezoning application ZA002-14, 118 West Wright Place, PID#52-02-106-043-80

Bohjanen questioned why the rebuilding of an inadvertently destroyed structure on that property would be limited to 75% of the value, other than the fact that it is in the zoning ordinance. Woodward stated the purpose is to support phasing out or conversion of non-conforming uses and structures. Woodward stated that it is a very common zoning provision.

Meister indicated that it makes sense either way – commercial or residential – and he sees no problem.

Ventura stated that he looked at the property, and he feels it makes more sense to be residential rather than commercial zoning. At 17,000 square feet, there are not many commercial establishments that could fit on that property. To the north and to the east is already residential. The property is part of the neighborhood, and not part of the commercial strip.

Ventura moved, and Bohjanen seconded, that after conducting a public hearing and review of the application and Staff Review/Analysis for Rezoning case #ZA002-14, the Planning Commission finds that the proposed rezoning is consistent with the goals and strategies of the Master Plan, and hereby recommends that the Township Board approve ZA002-14 for the following reasons: the property is currently being used as residential, and at least two adjoining directions are residential.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Discussion on Township Board approval – Bohjanen indicated that he planned on being at Board meeting on Monday, September 15, and would recommend the waiving of the second reading.

VIII. UNFINISHED BUSINESS

A. Discussion of future land use and zoning strategies for the Master Plan update.

Woodward said the maps reflect the changes made by the Planning Commission at

the last meeting as follows. The “Corridor Residential” future land use was eliminated, and descriptions for the “Rural Residential” and “AF” future land uses were revised. The mixed-use designation for parcels near the intersection of Cherry Creek and CR 480 was eliminated; parcels were re-categorized as “Rural Residential” and “Neighborhood Residential”. In the Beaver Grove area from Basal Road to the Brookfield subdivision, she revised the Neighborhood Mixed-Use area to include only parcels with existing uses of that nature. This resulted in three small mixed-use areas instead of one continuous mixed-use area. She also shrunk the mixed-use area at Kawbawgam Road to include only the existing tribal properties (casino) and the apartment building, limiting further commercial expansion.

Woodward suggested other revisions as follows. She changed the industrial area adjacent to Lion’s Field to the “Corridor Mixed-Use” designation since it was more consistent with current uses. Some of the parcels between the Briarwood subdivision and Little Lake Road were previously identified in the “Neighborhood Residential” category. She advised changing them to “Rural Residential” to protect the river corridor and wetlands from further subdivisions. She felt these parcels were more consistent with the character of the parcels to the east, rather than the west.

Woodward provided comparison maps highlighting which parcels would change (assuming future land uses were translated directly into future zoning districts). There would be a few parcels that are currently in the “WFR” and “R1” zoning districts that are included in the “Conservation Recreation” future land use because of the predominance of floodplains and wetlands that limit development opportunity. There are a few parcels currently in the “R1” and “C” zoning districts that are included in the “Village Residential” future land use. Many parcels would be changed to a mixed-use future land use designation, since we currently have no such zoning district, but this would expand opportunity for these parcels. Around 60 parcels would be changed from the “WFR” or “AF” zoning district to a “Residential Neighborhood” category, mostly including small nonconforming parcels in the AF district, or large parcels that would be suitable for new neighborhood development. A few parcels would be converted from “WFR” to “AF”, and almost 30 would convert from “R1” to “AF”. Many parcels would be changed to a “Rural Residential” designation since we currently have no associated zoning district, for the purpose stated by the Planning Commission to protect the residential character of those rural properties, and reduce the number of nonconforming parcels in the AF district. Many of the properties being converted to “Waterfront Residential” future land use include riverfront properties that are currently in the “R1” or “AF” zoning districts. Woodward cautioned that some privately-owned parcels are shown as “Public” future land use, but would not be zoned public. The category reflects current and preferred future land use.

Smith asked about the large vacant parcel to the east of the existing NMU Golf Course. It is privately owned, and not used as a golf course, although parts were cleared for an additional nine holes. It was approved as part of a PUD development,

but not built. Current zoning is "R1". The designation was changed from "Public" to "Rural Residential" future land use. Access is difficult because of limited access across the Iron Ore Heritage Trail. Ventura and Smith said that County Road BU was officially abandoned in this area.

Sikkema had questions about parcels between Cherry Creek and Little Lake. Some are large parcels that are currently in the "AF" district but shown as "Neighborhood Residential" future land use, and some are small parcels that are currently in the "R1" district shown in the "Rural Residential" future land use. He asked for the reasoning behind this. Woodward said that the large parcel on Cherry Creek had highway access and would be appropriate for possible new residential development. It could just as easily be included in the "Rural Residential" category. No minimum lot size has been suggested for the "Rural Residential" future land use area, but Woodward has envisioned 3-5 or up to 10 acres. Woodward suggested the "Rural Residential" designation for the parcels along Little Lake Road and along the river corridors to try to prevent further small splits in areas with floodplains and wetlands, and because of the existing rural character. She was trying to keep new residential development closer to Harvey. Sikkema was concerned that this would take away the current right to make additional splits, and is inconsistent. Citing full disclosure, he said he owns property there, and intends to make further splits. He doesn't want his rights taken away, and assumes others also do not. Meister and Sikkema said there needs to be a compelling reason to change the rules. Sikkema doesn't think there is a compelling reason for the designation to go one way or the other, but there should be a compelling reason to change it once people have purchased property with that understanding. Smith asked if Sikkema would be satisfied if the "Rural Residential" future land use area was associated with two acre parcel minimums. Sikkema said the "R-R" was supposed to be a buffer between "R-1" and "AF", and he is concerned about what livestock might be allowed in the "R-R" area. The Commission decided to keep the area between Briarwood subdivision and US-41 as "Neighborhood Residential" to retain the character of the current "R-1" zoning district.

Smith asked about the smaller parcels to the west of Brookfield subdivision that are now zoned "R1" but shown as "AF" future land use. Woodward said they are vacant 10 acre parcels, divided by Big Creek, with wetlands, without direct road access, and surrounded by the AF district. Smith was concerned about making more parcels nonconforming. Woodward said you can still build on them as long as you meet the setbacks.

Smith was concerned about the nature of accessory structures that can be built in the AF district, and cited this as a compelling argument for changing the Foster Creek development to the "Rural Residential" designation (assuming that designation provides differing rules about accessory structures). He said large pole barn structures would devalue the neighboring residential properties.

The Commission discussed the area between the Bayou Court Condominiums and the Hotel Place/Bayou Restaurant (north side of Main Street) that is all designated as

“Neighborhood Mixed-Use”. Sikkema suggested a designation of waterfront residential to preserve the existing residential character. Both sides of Main Street would remain in residential character. The Commission decided to exclude the five single-family/vacant parcels north of Main St. in this district, leaving two mixed-use nodes at the ends.

The Commission clarified that the future land use map is to guide future zoning, but can be implemented incrementally over time, and can be revised at a later date. Smith asked how often the Township will revise the Master Plan or zoning ordinance. Woodward said the Michigan Planning Enabling Act says that at least every five years the Township shall review the master plan and decide whether to amend it. You are not required to amend it. The 2008 zoning changes were a result of the 2005 Master Plan update.

Sikkema asked whether the Commission agrees with the future land use descriptions, specifically allowed activities. Sikkema is concerned about allowing accessory dwelling units and accessory homesteading activities, although there are no specific definitions for these activities. He asked for other input. Ventura said to Sikkema’s concern, the description said these activities would be allowed with special review, not granted carte blanche, so they can be limited.

The Commission discussed other small parcels in the AF district, and whether they are more appropriate in the “R-R” future land use. Woodward suggested protections could be provided based on lot size as well. Meister asked if there are actual problems with large pole barns or if this is just speculation. Sikkema said they had received several complaints. Smith said this could result in more lot splits. Sikkema said no development could really happen around the Homestead Golf Course with the AF zoning, unless it was through a PUD. Mahaney said the area seems to be more agricultural. Bohjanen said the people that live in houses on small lots probably don’t feel that way. Sikkema said he is only aware of problems in the first mile south of CR 480 on Little Lake Road, where people had some issues with permitted uses on larger parcels in “AF”. The Commission discussed previous efforts to create a Rural Residential district, and thoughts about farmland vs. development. The final decision was to try to direct development to the area north of CR 480 before expanding further south. Ventura also asked about the camps and cabins near the mouth of the Sand River, south of the highway turnout. No change was made after discussion.

IX. PUBLIC COMMENT

None

X. COMMISSIONER’S COMMENT

Smith said they are getting natural gas service on Wintergreen Trail.

XI. DIRECTOR’S REPORT

Woodward directed the Commission to look at the fax from Mark Maki and her response, and decide if there were any action items. She said she answered the questions as best

she could with the time she had, but the Commission could direct her to do further research if warranted. Ventura said he thought the response was handled well.

Bohjanen said he appreciated seeing the ordinance enforcement report. Woodward answered questions about the report and status of the cases. The Commission wanted closed cases to show up as such for one month before being deleted. Sikkema said it's nice to know what's happening, in case it would impact what the Commission needs to do with zoning. Frequency of new cases was discussed, as well as the inspection and administration process. The Commission thinks this report is of value, and they'd like to see it for another few months at least. Sikkema noted there are quite a few steps that the enforcement officer has to go through, especially if people are unresponsive. Woodward noted there are many additional violations to be addressed from the assessor's inspection which revealed a possible lack of permits. These will be added as time permits.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 9:30 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 6, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Bruce Ventura

Members Absent: Kendell Milton

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

September 8, 2014

Motion by Ventura, seconded by Mahaney, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Bohjanen, seconded by Ventura, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

A. AT&T Wireless Communications Tower, Site Plan 14-04 and Conditional Use 14-04.

Woodward asked that a written public comment that was submitted to the Planning Commission be read into the record. Sikkema read the letter from Bob and Sharon Roshak, 1318 M-28 East, in support of the proposal. Their family has AT&T cell service, and currently they do not always have good coverage. They feel that having a tower in close proximity may alleviate these problems. Also, there has been talk of the land lines going away in the coming years, and they would not feel safe relying on their cell phones.

Woodward explained that this is a proposal to construct a 180 foot monopole tower on a portion of the Charter Township of Chocolay's Silver Creek Recreation Area west of the soccer fields. It is in an area where the Disc Golf has recently expanded, and this has been discussed with the disc golf group. This may affect one of their holes, but they feel they would be able to relocate it. The proposal meets all requirements for setbacks, and Woodward indicated that she has provided a detailed analysis of how the proposal meets all other site plan review and conditional use standards. There is no proposed outside lighting at this time. Woodward has also provided an analysis of how the proposal meets the wireless communications

facilities standards of the zoning ordinance. Woodward provided some suggested conditions to make sure that the proposal does follow through and meet the requirements. These have been incorporated into the recommended motion. There are some restrictions based on State and Federal law, which have been detailed in Woodward's memo.

Sikkema opened Public Comment.

Wally Haley, Attorney representing AT&T – he feels that the letter in support covered some of the issues he would have started out with, such as the land lines going away. In an article from the November Detroit Free Press on “cutting the cord”, it indicates that many people are getting rid of their land lines and going to wireless communication. In 2000, there were 6.7 million landlines in the State of Michigan – in 2012 that number had dropped to 2.6 million. The wireless industry is growing, and there is a substantial need for better cell coverage in this area.

Haley indicated that he had read Woodward's report, and wanted to compliment her – he has been doing this for 20 years and he feels that Woodward's report is the best Planner's report that he has ever read, as to discussing all the issues and including Federal issues. He does not usually see that level of detail, with the level of understanding, in much bigger jurisdictions with some “very heavy-duty outside planning consultants”. He feels he would be remiss to not give Woodward some kudos on that.

Haley indicated that one thing the report doesn't mention, which dovetails into the discussion of alternative locations, is that he went to the Marquette Public Schools to discuss possible “Drop and Swap” opportunities on the Northern Michigan University tower located at the Cherry Creek School. He was told “no” by the school district – they were reluctant for an agreement at that point and time. There are no other towers in the area that would solve the need, so Haley approached the Township.

Haley also pointed out that the tower does meet all the setbacks in the ordinance, however modern technology allows towers to crimp over on themselves rather than fall over in case of major storms or ice.

Ventura wondered about the statement from the engineer that no other co-location opportunity was available. Ventura asked if they had considered the State Police tower, which is much higher than 180 feet above the surrounding area. Ventura understands that the State Police are reluctant to co-share, but he said there is legislation in and out of the State Legislature to change that.

Haley asked about the location of the State Police tower – Sikkema answered it was by the prison. Haley indicated that there is a tower on the other side of the ski hill, which is structurally incapable of being modified. Basically, what AT&T did was split that cell to provide coverage to the Chocolate center (M-28 & US 41), and the ski hill. The prison would have been way too far out of the search range area to provide that coverage.

Haley indicated that there has been talk of legislation to make state police towers available for years. There is a company that is called SBA which has a subsidiary that has a contract with the State of Michigan to market all their towers and land. Even they have made no inroads with the State.

Mahaney wondered about a lease with the Township and the payment terms. Woodward indicated that there was a copy of the lease in the packet.

Ventura pointed out that the lease had differing amounts – in two places it shows \$1,200 and one place it shows \$1,250. Haley indicated that he thinks the option to lease is \$1,200, and the rent is \$1,250. Bohjanen indicated that the rent was \$1,250 per month, not year. Ventura indicated per year. Sikkema clarified by saying the option to lease was yearly, the rent was monthly.

Denise Mullins, 321 Silver Creek Road – she has two concerns. Health and safety - she wondered what the radius would be as far as microwave frequencies. She also wondered if in the future the tower would be leased out to companies with more powerful technology. Sikkema inquired about information in the staff report. Woodward stated that the tower would have to meet federal safety regulations, so there are federal and state regulations that prohibit local governments from including these types of concerns in any findings-of-fact denying a tower.

Haley addressed Mullins second question regarding more powerful technology operating from the tower – he stated the FCC controls the amount of power you can put out. There will not be a cell tower that provides more powerful technology. This is a very low power broadcast, which is why more towers are needed. Sikkema indicated that there are provisions for this tower to include at least three more providers, but they would be limited to the 250 watts per channel.

Mahaney questioned the proposed location on a very flat area, and asked about moving south a mile or two to Green Garden hill. Haley indicated that there are two components – height and power. You don't get as far of a broadcast from these towers as you think you do – a tower at 180' height is about 1 – 1 ½ miles broadcast. Going up to 250' height might get you another ¼ mile broadcast – but it wouldn't serve the area of concern. Haley indicated there is a need for a lot of towers along US 41 and M-28 (Seney stretch). Sikkema stated that the reason we need as many towers as we do is because of the limitations on the output.

Bohjanen asked for a description of the cell phone broadcast. Haley stated he thinks it is typically ½ watt – Bohjanen stated that this seems to be the limiting factor, rather than the 250 watts that come off the tower. Haley indicated that the higher the broadcast frequency, the less it penetrates the tree canopy.

Sikkema closed the public hearing.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Site Plan Review 14-04 and Conditional Use 14-04, AT&T Wireless Communications Tower, PID #52-02-106-038-00, Silver Creek Recreation Area, 237 Silver Creek Road

Bohjanen commented that the Ordinance states that the either the property owner or lessee has to remove the tower when it is decommissioned. It seems to him that this should be looked at. For example, Bohjanen said the Township's contract states that the tower owner needs to remove it. Sikkema stated that the Township is covered in the contract – AT&T would have to remove it. What it doesn't cover is if AT&T went out of business – the responsibility would then fall on the property owner. Sikkema thought the ordinance was written more for leases on private property, not municipal property.

Smith stated he doesn't feel that the location has much bearing if it meets all the other regulations. Woodward stated that the Planning Commission can still control the location of tower, provided coverage is not denied entirely. Sikkema stated that the proposal doesn't violate any land use issues or zoning requirements.

Meister asked if the applicant had seen the list of conditions. Haley indicated that he had reviewed them. Sikkema then asked about the driveway configuration. Woodward stated that it was preferred to keep the wooded buffer between the facility and the parking lot so the fence is not visible to park users. Sikkema indicated that the driveway then interferes with the disc golf. Woodward stated it would have affected that hole either way. Haley indicated the location is least disruptive to the disc golf holes.

Ventura suggested one more condition be added to list – *“Township will receive a copy of the signed and sealed tower drawings before construction.”*

Haley indicated that the County would request that they do this.

Mahaney asked if Haley anticipated starting this fall. Haley indicated it probably would not be starting this fall because they still need to get all the regulatory work done. Mahaney asked about length of construction period. Haley indicated 30 days. Mahaney asked if AT&T would get a license after all the regulatory work is done. Haley indicated there is no license – registration with the FCC and license are attached to the megahertz.

Ventura asked about current regulations on aircraft warning lights. Haley indicated that a tower under 200' height is not considered a hazard to aviation, so it is not anticipated that the tower will be lit.

Mahaney stated that at a 1 ½ mile signal radius, this tower will probably not help the cell phone reception down M-28. Haley agreed – more towers are needed along M-28.

Moved by Ventura, seconded by Mahaney, that after review of Application SP14-04 Site Plan Review and CU14-04 Conditional Use Permit; and review of the staff report dated 9-30-14; the site plan for AT&T Mobility for wireless communication facilities to be located at the Silver Creek Recreation Area parcel #52-02-106-038-00, as presented at the October 6 public hearing, be approved as presented having met all requirements of the Zoning Ordinance with the following conditions:

- 1. Removal of trees or alteration of the existing vegetative buffer should be minimized to the extent as essential for actual construction of the premises and access road, and any tree more than 6" in diameter that is removed outside the boundaries of the premises and utility/access easement shall be replaced during the construction with a tree not less than 2.5" dbh with species, planting location, and planting method as approved by the Township.*
- 2. The portions of the developed disc golf course lying outside the area of the lease and utility/access easement boundaries will not be disturbed.*
- 3. In no case shall the entire existing vegetative buffer between the lease premises and adjacent properties or park features be completely removed.*
- 4. Permit approval is conditioned upon receipt of certification by a licensed professional verifying that the structural design of all wireless communication facilities will withstand wind speeds and icing under the worst conditions experienced in this area.*
- 5. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.*
- 6. The wireless communication facilities shall be kept updated in compliance with all applicable federal, state, county, and local regulations as amended or changed during the life of the facility unless compliance is waived by the controlling agency.*
- 7. The wireless communication facility shall be operated so as not to interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.*
- 8. All wireless communication facilities shall be revoked by the lessee and premises returned to previous condition with 120 days per terms of the approved lease.*
- 9. The wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration, and shall be lit according to those minimum requirements.*
- 10. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other*

professional competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.

11. *The Township will receive a copy of the signed and sealed tower drawings before construction.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Ventura commented that in the City of Marquette there is a tower that is camouflaged as a large fir tree. He stated that it is more obvious as a fir tree than a tower, because it would be a very tall tree in a surrounding forest of 60' trees. Haley indicated that it is a huge structure – a cell tower without all the appendages would have been one quarter of the size.

Haley asked if this still needed to go to the Township Board – Woodward stated the Conditional Use has been approved.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Smith indicated that the Chocolay and Bayou River bridges were paved last week on the Iron Ore Heritage Trail. Ventura asked if it was compacted gravel or asphalt – Smith indicated it was asphalt.

Mahaney commented that he feels the cell tower is good for the community.

XI. DIRECTOR'S REPORT

The Zoning Enforcement list has been updated. There are not a lot of changes, but there have been two or three closures.

There are two sets of Board minutes attached, which have items that relate to the Planning Commission. Woodward pointed out that the August 18 minutes the Burning Ordinance first reading was included. The September 15 minutes covered discussion of the Future Land Use presentation. There is a plan to further discuss this at the next Board meeting – Woodward suggested that the Commissioners may want to be at that meeting to provide further clarification for the Board.

Ventura asked about the Rezoning of Hillier's property – Woodward indicated that it was approved.

On page 8 of the September 15 Board draft minutes, there is discussion on a letter from Trustee Maki to the Planning Commission – there are things Trustee Maki feels the Planning Commission should be addressing – there is also a question on if it is coming from the whole Board.

Woodward also indicated that the Commission should have received a memo response from Woodward to Trustee Maki on vacation rentals. The Commission should have also received an email response on October 6 to Scott Emerson addressing his concerns on

vacation rentals.

There is an upcoming workshop on “Streamlining the Zoning Ordinance”, and the closest location is Chatham on December 8. Woodward asked anyone who wants to attend to contact her.

Mahaney asked about the junk accumulation complaints – what does this consist of? Woodward explained that everyone has stuff, but it becomes a complaint if it looks like it’s been there a long time and wildlife is living in it. Mahaney asked where the complaints come from – Woodward indicated that usually it’s from residents (neighbors) that have to look at it. Some violations are found when just driving through the township on other business or by inspection.

Woodward also indicated that she would be attending the Michigan Association of Planning conference on Mackinac Island the latter part of the week, and would be bringing back great ideas.

Woodward also indicated there would be a Michigan Municipal League conference in Marquette sometime in October.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

ADJOURNMENT

Sikkema adjourned the meeting at 8:25 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister



Planning Commission
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on November 3, 2014.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, December 1, 2014

I. MEETING CALLED TO ORDER BY: Andy Sikkema at 7:30 p.m.

ROLL CALL

Members Present: Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Tom Mahaney, Kendell Milton

Members Absent: Bruce Ventura

Staff Present: Kelly Drake Woodward (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. MINUTES

October 6, 2014

Motion by Bohjanen, seconded by Meister, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton, seconded by Mahaney, to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

A. 225 W Terrace St, PID #251-011-00, Rezoning Case #ZA003-14.

Sikkema opened the public hearing.

John Conrad, 132 Little Lake Road – would like to rezone the property to be able to open a hair salon and move his computer business from Marquette to Harvey.

Mark and Tina Brandel, 201 West Terrace - asked if the property was going to include a residence along with the two businesses – Conrad said just the two businesses.

Sikkema closed the public hearing.

B. 225 W Terrace St, PID #251-011-00, Site Plan 14-05 and Conditional Use 14-05

Sikkema opened the public hearing.

No comments.

Sikkema closed the public hearing.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Rezoning Case #ZA003-14, 225 W. Terrace St., PID #251-011-00

Bohjanen asked if anyone knew why the property had been rezoned from commercial to R2 to begin with. Woodward stated the designation officially changed in 2008 during the zoning ordinance update, and she suspects it was just a mistake in implementing the future land use maps, which if implemented correctly would have resulted in commercial zoning for this parcel. Bohjanen stated it was previously zoned commercial in 1977. He just wondered if there had been a specific request that caused the rezoning. Woodward stated that there had been no rezoning request that she could find.

Mark and Tina Brandel, 201 West Terrace – Tina stated that they used to be zoned commercial, but over time the Township switched their zoning to residential – they don't remember getting any kind of notification on this. She wondered if it had anything to do with the abandoned alley behind their properties.

Bohjanen moved, and Meister seconded, that after conducting a public hearing and review of the application and STAFF REVIEW/ANALYSIS for Rezoning case #ZA003-14 for 225 W. Terrace St, the Planning Commission finds that the proposed rezoning is consistent with the surrounding zoning and the future land use plan, and hereby recommends that the Township Board approve rezoning of this property from Residential 2 (R2) to Commercial (C).

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Milton questioned how it was able to operate as an ice cream shop if it wasn't a commercial zone to begin with. Woodward stated that it was originally zoned commercial. In 2008, it became a non-conforming use until its closure in 2011 or 2012.

B. Site Plan Review 14-05 and Conditional Use 14-05, 225 W. Terrace St., PID #251-011-00

Mahaney had questions about the driveway. Conrad indicated that he is working with Sue and Walt Racine to get an easement for access to the rear parking lot from the driveway that is west of the property. Then people would not have to drive over the well to get to the parking.

Sikkema asked about the location of the property line – Conrad came forward with a copy of the most recent survey and indicated the location of the driveways to be used and to be closed. Commissioners and the applicant discussed access and ownership details for the adjacent properties. Sikkema affirmed that the only access to the residential parcel behind this lot is through the Racine property. Milton asked if the alley had been vacated – Conrad stated yes, and that a portion was added to his property.

Meister was concerned that the Corridor Advisory Committee might like to see Walt's driveway closed, especially if anything significant ever goes in there - people turn onto Terrace and then immediately have to make a left turn into the driveway. He isn't sure what is feasible, and whether the Committee would rather see Conrad utilize the eastern-most driveway.

Conrad was concerned for the safety of vehicles backing or pulling out into the street across from the bank's driveway. He feels the shared access is easier and safer.

Mahaney agreed with Meister on the difficulty of the sharp left hand turn immediately after turning off US 41.

Woodward stated that Walt's is not applying for a change to his property, so there is no mechanism for the Planning Commission to compel him close one of his existing driveways.

Brandel indicated that the parking scenario was worse when the ice cream shop was there because people parked on the side of the road – awareness was necessary. The type of businesses that Conrad is putting in there would have far less traffic and parking concerns.

Sikkema asked Meister if there is something that needs to be changed. Meister wondered about deleting condition #3 on the suggested motion for Corridor group approval – he doesn't know if they would approve or recommend the driveway being that close. Sikkema indicated that the Township has an agreement with the Advisory Group that they have to review everything within 1,000 feet of the corridor. The Township is obligated to take it there and get their comments, although the comments aren't binding. Meister is concerned that the Corridor Advisory group may not approve the driveway arrangement, and if the site plan approval is conditioned on their approval, the site plan won't be approved. Sikkema indicated that the Corridor Advisory group is just that – an advisory group. He said MDOT does not have jurisdiction over the decision because the project doesn't directly access US-41. Meister was concerned that by putting point #3 in the motion, we were making it binding. Sikkema said the Corridor group just makes recommendations. The Planning Commission could decide to wait for their recommendation, but the Planning Commission has the decision-making authority. Sikkema asked when this would be going the Corridor Advisory group – Woodward indicated that their meeting is next week.

Meister indicated he did not think the decision needed to be delayed, because the plan is fine for this business. He is looking more into the future because if something with significant traffic goes into Walt's, then this issue would come up again for their site approval. Sikkema said it should be much less traffic than the ice cream shop.

Bohjanen said Conrad's project would improve the situation, since now there would only be one choice of where to turn.

Sikkema questioned how the east driveway ever happened. He said people lived in

the house while the ice cream shop was open. Conrad indicated that they used that driveway, but it goes over the well, which doesn't make a lot of sense. Sikkema stated that it might have been used as a residential driveway to get to the back of the property. It looks like an impromptu driveway that just happened. Smith asked if there was a curb cut and Conrad said yes.

Conrad is working with a surveyor to draw up the easement for his lawyer.

Sikkema asked about landscaping on the property. Conrad indicated there will be landscaping on the north and east sides.

Mahaney asked if Conrad had plans to pave the parking area. Conrad indicated he was planning to do it when he can afford it. Meister stated that the Zoning Ordinance does not require the parking lot to be paved. Woodward said defined parking spaces are required, either by painting or bumper stops. Mahaney asked if the front driveway by the computer business was going to be a handicapped parking space. Conrad indicated yes, they felt it offered the safest access.

Sikkema went through the suggested motion.

Mahaney asked if the property has a non-conforming driveway. Woodward indicated that she had not talked to the Marquette County Road Commission about the current status of the driveways. The Township does not have any standards for driveways. Sikkema indicated that according to access management standards, the driveways are probably too close to the intersection, but there was no way to make Walt's driveway conforming to the standards.

Sikkema questioned the suggested condition for waiver of Section 5.3 (R) standards by the appropriate road authority. Woodward indicated that access management standards apply not only to properties that front on US-41, but also those that are a certain distance from the highway. Existing properties cannot always meet the standards, so the ordinance provides that a waiver from the standards can be granted.

Sikkema asked if there were any suggestions for additions or deletions on the suggested motion. Milton asked if the Township requires there be a screened area for the garbage dumpster. Woodward said yes. Woodward asked Conrad if he planned on having a dumpster. He indicated they do plan on it – on the northeast side there is already a concrete slab for one. The screening will be added as a condition to the motion.

Moved by Meister, seconded by Bohjanen, that after review of Application SP14-05 Site Plan Review and CU14-05 Conditional Use Permit; and review of the staff report dated 11/25/14; the site plan for 225 W. Terrace St, parcel #52-02-251-011-00, as presented at the December 1 public hearing be approved as presented having met all requirements of the Zoning Ordinance, with the following conditions:

1. *Permit approval is conditioned upon approval of the rezoning from R2 to C by the Township Board.*

2. *Permit approval is conditioned upon the Zoning Administrator being presented with the legal shared access and maintenance agreement meeting all requirements of the Ordinance, and the recording of this agreement with the Marquette County Register of Deeds.*
3. *Permit approval is conditioned upon approval of the access plan by the US-41 Corridor Advisory Group and that of the appropriate road agency.*
4. *Permit approval is conditioned upon the waiver of applicable Section 5.3(R) standards by the appropriate road authority.*
5. *All signage shall meet the requirements of the Chocolay Township Zoning Ordinance, and the applicant shall obtain a permit for all signs.*
6. *At the earliest date in the spring, the applicant shall plant the required planting screen along both sides of the parking lot that are adjacent to the residential district. The plants shall meet the type and spacing requirements of the Ordinance, as approved in advance by the Zoning Administrator.*
7. *The applicant shall provide the appropriate specifications for all outdoor lighting fixtures which shall meet all requirements of the zoning ordinance.*
8. *The applicant will provide garbage dumpster screening as per the requirements of the Zoning Ordinance.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Master Plan

Woodward indicated the Planning Commission was to review changes that have been made to the Master Plan, including the Farmland, Forest and Protected Land section from Chapter 6, Strategic Plan of Chapter 7 (including Future Land Use; the comparison of Future Land Use, Current Zoning and Future Zoning; and Zoning Plan), and the Implementation Plan for capital projects of Chapter 8.

Sikkema proceeded to go through the updated pages, asking for Commissioner input.

Bohjanen indicated his was more of a philosophical question, which probably doesn't warrant a lot of discussion. His ancestors left Finland to ultimately end up in the UP because soil was poor, the winters were long, and the growing season was short, and it was hard to make a living, and they settled in the same kind of area around here. How do you convince somebody that is not able to make a living on their land that they shouldn't subdivide and sell to be more profitable? You can't convince an old Finlander that he should go to school for composting. Not recommending any changes, just felt the need to philosophize.

Woodward stated that the Future Land Use plan of our currently adopted plan does have a strategy to encourage farmers to farm as long as they want to, and to encourage them to keep land in a farmland preservation program since farming is important to our communities. So the proposed plan is a continuation of this idea. Bohjanen again said he didn't suggest any changes, but until there is a bigger

demand and more lucrative market, this sort of thing will remain philosophy and not practice.

Page 116, Sikkema had a comment on the last paragraph. “Also included are some parcels for potential neighborhood development near CR 480 and Little Lake Road.” He feels that the sentence should be deleted because he didn’t necessarily intend this are to be designated for intended growth, he just mentioned that area as an example of when we should leave zoning unchanged unless there is a compelling reason. It was agreed to delete the sentence.

Bohjanen said much of the Township has non-conforming lots, and changes to minimum lot size requirements may need to be considered. Sikkema indicated that non-conforming lots may still be developed – they are grandfathered in. He thinks we need to consider the size we want future lots to be – maybe some should remain nonconforming but developable (grandfathered in). This will be discussed further when ordinance changes are considered.

Page 130, Bohjanen had some questions on building height and height. There was some discussion about how to measure and regulate height, and about previous decisions regarding height that may not be reflected in the regulations (such as a reference to a national building standard, and discussion regarding fill). This will need to be researched for future discussion regarding changes to the definitions and measurement standards.

Page 145, Bohjanen asked for a definition of agri-tourism in reference to promotion. Woodward gave examples of the alpaca farm which holds open house events or a corn maze.

Page 160, Master Plan Capital Projects Priorities and Timeline, Bohjanen felt that rather than go through the exercise of estimating cost on each project, since they would change every year that it may be wise to look at the highest ranked projects and have some type of cost associated with them.

Bohjanen asked about the process of getting things off of the implementation charts and onto a schedule – Woodward suggested that staff would do an analysis during preparation of the annual report every year. Woodward stated that it would probably be up to the Township Manager to bring the projects before the Board. The Planning Commission can also suggest things that need to be done based on the Master Plan.

Woodward plans on presenting the entire Master Plan, along with the Appendices, to the Planning Commission at the next meeting. Then if the Board approves the Master Plan for distribution to the surrounding jurisdictions for comment, it is a 63-day comment period before the Master Plan can actually be adopted – probably looking at March for adoption.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

Smith indicated that road extension up Shiras Hills is out for bid. This project is resurfacing starting at the Carp River bridge, up and over Shiras Hills, heading towards Marquette, and would finish at Furnace Street. In addition, curb and gutter will be moved out 8 feet. The road will get widened 8 feet on each side.

Sikkema indicated that he had received two comments from residents on blight. One has brought it to the attention of the Township and says nothing has changed. The other one was just a general "township looks junky".

XI. DIRECTOR'S REPORT

Woodward stated she had not updated the Zoning Enforcement Report report due to absence due to illness.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Mahaney referenced the November Township Board minutes – weight restrictions on Ortman Road. He thinks this is a good idea. He also agrees with W. Dees (letter in packet) on the inclusion of Cherry Creek Road. He bikes on this, and he feels that it is more of a residential walkway connector to neighborhoods. He feels that Cherry Creek Road should also have weight restrictions. He thinks CR 480 is better built for truck traffic.

Bohjanen indicated that he thinks Cherry Creek Road would be a long shot, as it was recently upgraded to a higher class of road. Cherry Creek is controlled by the County. Ortman Road was not built for truck traffic whereas Cherry Creek was.

Sikkema stated that anytime you are going to look at weight restricting, you should look at all roads in the entire jurisdiction. Cherry Creek Road is a County primary road – CR 551. This has the same classification as CR 480. Both are Class A all season roads. All decisions are related. Mahaney said the shoulders on CR 480 are wider than Cherry Creek, and Sikkema agreed. Sikkema said these things would be discussed, but you shouldn't cherry pick one road.

Bohjanen clarified that one reason Ortman Road was considered for restrictions was that it is unique in that it is a neighborhood street that does not need to be used as a connector between two highways because other options are available, and this is not similar to any other situation. Not many roads can be used as short cuts. Sikkema said he knows of other roads of the same classification as Ortman Road that have much higher truck traffic that are used as cut-across roads (i.e. Little Lake Road). Sikkema said he's not advocating for restrictions for Little Lake Road, he's just saying that everyone will start wanting weight restrictions on their roads, and the Township should be looked at in total.

Smith wondered who and why truckers would use Ortman Road as a cut-across. Speculation ensued.

Woodward indicated that the Township Manager is going to draft an ordinance which will come to the Planning Commission for discussion. Mahaney agreed that all roads should be considered, and Smith said traffic counts should be considered.

Woodward asked how the Planning Commission would like to handle Public Comment, such as the letter from W. Dees. She said public comment normally gets summarized in the minutes just like all other proceedings.

Sikkema initiated a conversation regarding procedures for handling written public comment, some of which is related to agenda items, and some of which is general in nature. Sikkema suggested that when the letters come in before the packet has been published, they go into the online packet. They are not read into record, they are just acknowledged or referenced. He stated that letters from the public should be treated equally – general comments that aren't agenda related should still be acknowledged. But there is a question whether written public comment must be read at the meeting, or should just be included as information received in the public packet online.

It was noted that public comment does not necessarily result in an agenda item, and may not be discussed. It must be received, and then a Commissioner can suggest adding it to the agenda.

Currently, letters to the Planning Commission that are received before the packet is published are included in the online version of the packet. If the letter is not received before the packet is published, and is just handed to the Commissioners at the meeting, they are not added to the online packet. We could go back and add to the online packet after the meeting.

When the public attends and gives verbal public comment, their comments are summarized as part of the meeting minutes – what actually happened at the meeting. If written comment is submitted, it is not read as part of the meeting, but it is included in the information packet for the Commissioners, and in the public packet online, either before or after the meeting, depending on when it is received. It will also be referenced as having been received in the meeting minutes. Written comment that is received as part of a public hearing is handled the same way, except that it is kept in the files along with the paperwork pertaining to that decision.

ADJOURNMENT

Sikkema adjourned the meeting at 9:06 p.m.

Submitted by:

Planning Commission Secretary
Eric Meister