

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, January 16, 2017

I. MEETING CALLED TO ORDER BY: Secretary Eric Meister at 7:00 p.m.

ROLL CALL

Members Present: Eric Meister (Secretary), Tom Mahaney, Kendell Milton, Andy Smith, Jon Kangas, Donna Mullen-Campbell

Members Absent: Judy White (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. APPOINTMENT OF MEETING CHAIR

Meister explained there was a unique situation that had presented itself – the member holding the position of Chair had resigned as of December 31, 2016, and the member holding the position of Vice Chair had a term expire as of December 31, 2016, so there was a need to appoint a member to serve as the Chair for this meeting.

Meister made a motion for Andy Smith (former Vice Chair) to Chair this meeting. Smith declined, as this will be his last meeting, and he is resigning. Meister accepted, but indicated that he was not looking to take on this position full time.

A motion was then made by Mahaney, supported by Smith to have Meister chair this meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. MINUTES

December 19, 2016

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

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

V. PUBLIC COMMENT

Donald Wren, General Manager, Ojibwa Casinos (Marquette and Baraga) – he is at the meeting to pass on information concerning the Casino Project. In the original plan, there was a plan to move three existing homes to make room for townhomes. This proposal has been scratched. They will be moving the three homes in question to an area off of Acorn Trail. That road will continue on and tie into the main casino road. They are working with MDOT to provide better access off of M-28. They have been meeting with people in the community, including a neighbor that had some concerns with accessibility

to her property from the Casino property. Wren wanted everyone to know that the KBIC is committed and would like to work with the Boards and Commissions to accomplish whatever needs to be done. Mahaney asked about the timeline for construction. Wren indicated they are in the planning stage right now, but the plan is to have this project done by September of 2018. There are actually two projects going on at the same time – Chocoy and Baraga. The Baraga property will be getting a facelift, and is expected to be completed by February of 2018.

Mitch Koetje, Marquette Little League – would like to reserve time to talk on VIII.B – Silver Creek Recreation Area Project.

VI. PUBLIC HEARINGS

None

VII. PRESENTATIONS

Planning Intern Presentation

Throenle introduced Molly Wetter, who is a student at NMU. Molly went over the projects that she has accomplished during the past semester. *Silver Creek Recreation Project* will help serve as a communication tool at presentations and meetings. She explained her color schemes, and the relationship to earth qualities. Molly also worked on the *News You Can Use*”, which is an information packet given to Township residents that goes over recycling information, meeting dates, Township holidays, and other pertinent information. The *Annual Report* was also updated with a new color scheme and formatting. Molly has also produced a *Recreation Guide* which lists all sites in the Chocoy Township area, along with information on each site and a map as to where they are located. She has also set up a sample web page which corresponds to the Recreation Guide and provides all the same information.

Meister asked if Molly will be continuing with the Township. Molly indicated that is up for discussion.

VIII. NEW BUSINESS

A. Planning Commission Officers

Throenle indicated that in looking at the Bylaws for the Planning Commission, in Section VI it states that the election of officer will be in June, which would leave the Planning Commission with permanent officers. In order to change the bylaws, you must provide 15 days’ notice to each member of the Planning Commission by mail for the meeting to take place. Throenle recommends that the Planning Commission motion to amend the bylaws at the next meeting.

Commission Discussion

Meister indicated that this probably was an oversight from two years ago, when the terms of the Commission were changed to end as of December 31. Kangas questioned if there should be anything incorporated into the bylaws for an officer that

leaves mid-term. Throenle stated that this is already covered, with the order of succession in the bylaws. Throenle also indicated that according to the bylaws there should also be a Vice Secretary. If the bylaws are not changed, the Commission will have to wait until June to appoint officers.

Milton moved, Kangas seconded, to recommend changing Article VI of the Planning Commission Procedures and Bylaws to change the election meeting for officers from June to January, and to change Article X of the bylaws to permit notification of proposed changes to the bylaws via email. Staff is directed to send notification to all Planning Commission members at least 15 calendar days prior to the February meeting.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Silver Creek Recreation Area Project

Throenle introduced the project, which dates back to January of 2016, when a Sands Township resident approached the Township on repairs that were needed on the tennis courts at Silver Creek. Around this same time, members of the Marquette Little League board presented a concept idea to the Planning Commission that outlined plans for expansion of Little League offerings at the Silver Creek Recreation Area. A committee has been formed, and they are now looking for support from the Planning Commission to move forward with their plans.

Mitch Koetje, Marquette Little League – Marquette Little League is excited to be a part of this project. He feels it will be a benefit to Chocolay Township, as well as, Marquette Little League. This is one of the biggest projects they have looked into, and they are planning on expanding their program opportunities by looking at four smaller fields that will key into the age groups of 5 – 8 years old (T-ball and Rookies programs). This will give them the ability to run bases that are the appropriate length for them, pitchers mounds that are actually in reach of home plate, having a chance to swing for the fences, or hit one to the fence. He feels this is a great opportunity for player development and improvement. The Silver Creek Complex would become a facility for ages 5 – 12, all at one facility. In 2016, the minors and majors programs (ages 9 – 12) were playing consistently, and were bringing in 10 – 25 families, 4 – 6 times per week. With the expanded use, we could be looking at 60 – 100 families, 4 – 5 times per week. If supported by the Planning Commission, Marquette Little League is prepared to hit the ground running. The timeline is to potentially get started in 2017, with the potential to play baseball in 2018 on the smaller fields. They would continue to use the larger fields during 2017. There is lots of community involvement, which makes it possible to do the improvements Marquette Little League want to do.

Part of the plan on the larger fields is to have the fencing moved in to a depth of 200'. They would like to maintain the 16' high fence as an added safety measure, and also

extend the fence to the playground area. The committee has also talked about how this plan will fit into the Master Plan and the Recreation Plan. The plan also includes limited traffic going through the park on a one-way road, no disruption to the disc golf course that is already in place, incorporate angled parking, maintain access to the cell tower and allow for the buffer of trees around it, moving the playground equipment with the hopes of enlarging the playground. There have been continued discussions of maintenance and upkeep. There is also an opportunity to involve a recreation trail, possibly ADA access at some point, and other opportunities for improvement.

Commission Discussion

Milton asked if there will be tournaments scheduled there. Koetje stated there is always an opportunity for tournaments. By bringing the larger field in by 200', it would be a more appropriate size for tournaments. Koetje also stated he does not know of anything else like this in the U.P. Meister questioned the financing. Koetje indicated that they have applied for a \$20,000 grant through Little League International, and are waiting to hear on this. A yes on that grant would give them the opportunity to look for more grants and funding opportunities. This grant would provide them with the funds to move the fence on the large field and build the four smaller fields into functional fields. Throenle also indicated that a DNR Passport grant has been approved for \$64,000 which will be applied to the tennis courts. Throenle also pointed out that the two dugouts that are sitting there were built entirely with in-kind donations, and are worth approximately \$38,000.

Throenle also pointed out there are two different proposals regarding the road going through the park. The Township owns a parcel to the west that could be use as the exit for the road going around the park (would come out around Willow Road). The other option would be to circle through the park and come out the entrance. The first option gives more parking. The second option would be less parking, and also going by the playground area. If the first option is used, the area going by the playground could become a walking path.

Throenle went over the plan for what is now the tennis courts – the courts would be divided into quarters with there being a full basketball court, 2 tennis courts with pickleball, and the last quarter would be batting cages and bull pens for Marquette Little League. This project has been approved by the DNR, and work will be starting in the spring.

Throenle indicated there are also plans to move the entire soccer complex to the Beaver Grove area.

Meister indicated he likes Plan A, and feels it would be nice to move the walking path south a bit to allow for more area in the playground. Smith asked Koetje about the meeting they had with Superior Soccerland. Koetje indicated that it was a productive meeting, and they were looking at the options for expansion for soccer in Beaver Grove.

Meister asked what staff was looking for. Throenle indicated that he is looking for approval of the project, and secondly, if approved, which proposal the Planning Commission is interested in.

Mahaney asked about the road that is currently there. Throenle indicated that the asphalt already extends about half way, and would not need to be replaced. Mahaney also asked about the construction – would it be piecemealed? Koetje felt that the fields were in good shape, and they would not be full sod and dirt to start with. It will be a playable, functional setup. Additional things would be having dugouts in place and irrigation changes to maintain the area.

Meister asked the Planning Commission if they have a preference on which Site Plan. The preferred plan would be Plan A, both by the Planning Commission and Marquette Little League.

Smith asked if there had been any feedback from the neighbors. Throenle indicated that they have not been notified of the new plans – he was looking to get Planning Commission approval to move forward. Meister asked if the boundaries would change much – Throenle indicated that it would basically still be the same footprint.

Kangas asked what the plan was for installing the new access road. Throenle indicated that even if the road cannot be built at this time, the project would not come to a halt as Little League is willing to stagger its schedules. Milton stated that the purpose of purchasing the triangle piece of property was to provide more access to the area. Mahaney stated that this was an ambitious project! Meister stated that Marquette Little League has done well with what they have accomplished so far, and he sees this as a good sign.

Pastor Kevin from Silver Creek Church commented that this has been a fun committee to work with – there are some great connections that have helped put together a plan to be able to visualize what the project is going to look like – not only for the Planning Commission, but also for the community. He believes that this is something that the community can and will buy into. Silver Creek Church and the Thrift Store have indicated that they are ready to step up and support this project financially. He feels it will improve the overall quality of life in the community. This has taken an awesome direction, and it will be something the community can build on. There will be lots to do, no matter what your age. He is proud to be a part of it, and is looking forward to selling the community on this project.

Joanne Parks, Sands Township – her family had lived in Skandia for a period of time. The recreation area sold them on buying property, as they were able to walk through the woods to the park – lots of tennis and basketball. After doing two fund raisers, one of which was on the recreation area property, she has seen firsthand how the community supports this project. The whole project is about bringing families together.

Mahaney moved, Mullen-Campbell seconded, to support the proposed recreation

project for Silver Creek Recreation Area, to include Site Plan A with the road to the west, as presented, and to present the project to the Township Board for Board consideration.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

C. Short Term Rentals

Throenle indicated that this subject has been brought up several times in the past, but what has prompted the renewed discussion are phone calls that he has received in the past week asking questions about what is allowed. Throenle is taking an approach to define and clarify these rental situations within the scope of new language to address the questions. Throenle is also recommending a different approach to reach a solution. Rather than trying to “fix” the old language, he is providing the Planning Commission with a list of questions to formulate a draft ordinance with conditions and rules that would need to be followed. Mullen-Campbell asked if Throenle was referring to Airbnb’s. Throenle indicated that these rentals already exist in the township. Airbnb is getting to be a very popular thing, and is growing by leaps and bounds. Throenle indicated that Chocoday Township has some very interesting characteristics when it comes to these rentals. The way our current ordinance is written, attorney opinion states it would probably not be enforceable.

Commission Discussion

Meister asked the Planning Commission what their view of short term rentals are – allowed or not allowed? After a poll of the Commissioners, it was decided they are not opposed to having short term rentals in the Township. Mahaney asked if the Township is receiving any complaints at this point on short term rentals. Throenle indicated that the Chocoday Police have received no complaints. Throenle received one complaint last winter when snowmobiles showed up at the wrong property looking for a key and another about a bag of trash left on a weekend that animals got into. Mahaney feels that this speaks of the renters that are coming into the township.

General Considerations

- 1. Should there be consideration in the ordinance to prevent long-term rentals from becoming short term rentals?** *It was felt that it is okay to convert, as long as it is not a multi-family dwelling.*
- 2. Is property ownership important? For example, will outside entities, such as property management companies, be permitted to buy / manage a short-term rental property?** *Throenle indicated that this is a non-question, as we are unable to dictate who owns property.*
- 3. People renting long-term should not be permitted to have a short-term rental. Yes or No?** *It was felt that they should not be permitted to sublet. This would probably refer back to the lease agreement and how that is written, which should cover if you’re allowed to sublet the rental.*

4. **General thoughts toward short-term rentals lead to requiring a permit to operate. Good idea or no?** *Homestead was questioned – if you are still living there and renting (such as a bed and breakfast) – will ask the Assessor. The Planning Commission felt this is a good idea – could be a two part permit – Conditional Use permit and a permit asking about safety, etc.*
5. **Should all short-term rentals be required to register with a valid listing site, such as Airbnb or HomeAway as part of the permitting process?** *It was felt that we can't require how people market their property to potential customers.*
6. **Accessory dwelling units cannot be rented as either a short-term or long-term rental. Yes or No?** *It was felt that accessory dwelling units cannot be rented, as it does not meet our current zoning ordinance.*

Neighborhood Considerations

7. **Short-term renters should be held to the same standards as permanent residents in terms of noise, trash, etc. Are there further issues that should be considered?** *It was felt that short-term renters should be held to the same standards, if not stricter, and this would be included in the permitting process.*
8. **Hosts / owners must actively work to prevent issues from impacting neighbors. Are there further issues that should be considered?** *This should be included in the permitting process, and after a set number of violations, would have their permit revoked.*
9. **A host / owner must be available, either on the property or within _____ miles radius of a property in order to rent. Yes or No? (Keep in mind snowbirds for this item.) Can the host be other than the owner?** *It was felt that there should be someone (whether it is the owner or a designated representative) to be held accountable and to contact in case of an emergency. This could possibly be a part of the permitting process.*
10. **Signs or no signs permitted for the location?** *It was felt that they should have the same rights as anyone else would be able to. Cannot control based on content, only on size.*
11. **What should the neighbor reporting process be if there is an issue at a neighboring rental?** *This was talked about in prior questions – depending on the issue they may be contacting the owner, the Township, or the police.*
12. **When looking at neighborhood character, how can the neighborhood's character be preserved while at the same time permitting short-term rentals?** *Would need to look at number of people and number of vehicles being permitted on the property. They would still need to be in compliance with the zoning ordinance. Need to explore a little more.*
13. **How should these neighbor issues with short-term rentals be addressed?**

Issue #1 – “I don't want my neighborhood filled with party houses. Let's keep it nice and quiet.”

Issue #2 – “I don't want strangers next door to me. I do not want to worry about my kids outside.

Issue #3 – “I don’t want loud parties going on at all hours of the night next door to me.” *On any of these issues, there would need to be “substantiated” complaints from neighbors. Most calls would be going through the police. The owner would also need to take responsibility.*

- 14. Should the number of short-term rentals be limited in a given neighborhood? For example, should a maximum of one rental per every three residences be established? If so, how will it be monitored and who gets to determine who is first in line? Or should the option be open to anyone that wants to rent their property on a short-term basis?** *The option should be open to anyone that wants to rent their property out.*

Economic Consideration

- 15. One important point to consider in this issue is the economic aspect of the rentals, in terms of how much will be spent in the local area (on items such as food, groceries, gas, and entertainment) as a result of the rental. Is this a valid consideration for the discussion?** *It was determined that this is a positive bonus, but this is not a significant factor.*

Local and Large Events Consideration

- 16. Can larger events be held at a short-term rental (such as a wedding, graduation party and 50th wedding anniversary) if the number of occupants remaining after the event does not exceed the established maximum?** *It was felt it was okay to have an occasional party, but not to become a regular large event venue. Tolerance would drop if this was something that was happening every weekend.*
- 17. Should short-term rentals, with a special permit, be allowed during large events or certain seasons, especially since there are room shortages in the Marquette area? Examples would be Christmas / New Years, UP 200 sled dog races, Ore to Shore bike race, and Hiawatha Festival, as well as during the weekend events that occur during the summer months in the Lower Harbor and surrounding communities.** *This would become a cumbersome permitting process, but will take a look at.*
- 18. Will food services (such as catering or food trucks) be permitted at a short-term rental location?** *It was determined that it shouldn’t be allowed.*

IX. UNFINISHED BUSINESS

A. US 41 and M-28 Business Corridor Overlay District Regulations

Throenle stated that the matrix has been cleaned up and is going before the Commission for next step process. Updated maps were presented with properties that are being considered for the Mixed-Use Corridor.

Commission Discussion

Kangas indicated that he thought the properties behind McDonalds and the property

behind the old Wahlstrom's should be included. It was agreed by the Commissioners these should be included.

Meister asked if this needs to go before the Board before proceeding. Throenle indicated that they could, but he felt the Board would put it back to the Planning Commission for language. There was some discussion on zoning versus overlay. The area will maintain the original zoning district, with the overlay giving additional commercial availability for the properties in the overlay district.

It was decided that Throenle should move forward with language to be presented at the next meeting.

X. PUBLIC COMMENT

Doug Hall, 1181 Ortman Road – if your house burns down, the insurance company would provide you with a check for what you were insured for – this was directed toward comments made during the discussion of the overlay district.

XI. COMMISSIONER'S COMMENTS

Mahaney – Good to have the new commissioners on board. Sorry to see Andy Smith leave. On the subject of short-term rentals, he feels they really need to take their time and consider the issues – he likes the way that Throenle presented this to the Commission to be able to work through the questions that may exist.

Smith – This is his last meeting – he has been on the Commission for about 8 years. He feels he is not able to give the appropriate amount of time to preparation for the meetings, but has enjoyed his time on the Planning Commission.

Meister – Thanked Andy for his time on the Planning Commission – his perspective will be missed. Also, Meister had taken the Citizen Planner class – he feels it is worthwhile and provides a lot of good information.

Kangas – Would have liked to do the Citizen Planner class, but is not able to work it in during his current workday.

Mullen-Campbell – Is really happy to be on the Planning Commission, and to be part of the township in this capacity.

Milton – Welcome to the new commissioners. Sad to see Andy go. Interested in doing the Citizen Planner class.

XII. DIRECTOR'S COMMENTS

Throenle stated that the Commissioners may want to start thinking about when to hold the joint meeting with the Township Board. This is normally held on a night that one or the other group is having their regular meeting.

Throenle expressed his appreciation for Andy Smith's time on the Planning Commission, and will miss his insights into Township Planning.

Marquette County has announced that they are in the process of updating their Master Plan.

Throenle has started handing out “Township Insights” at the meeting for Commissioner information.

In the March time frame, paper packets will be disappearing and be replaced with tablets. The packets will be on the tablet, along with Zoning Ordinances, Master Plan, Recreation Plan, and any other documents that may be needed. Training will be forthcoming at one of the next meetings.

INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 12/06/16 Marquette City Planning Commission

B. Minutes – 01/09/17 Township Board minutes draft

XIII. ADJOURNMENT

Meister adjourned the meeting at 9:18 pm.

Submitted by:

Planning Commission Secretary
Eric Meister

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, February 20, 2017

I. MEETING CALLED TO ORDER BY: Kendell Milton at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney, Kendell Milton, Andy Smith, Jon Kangas, Donna Mullen-Campbell, Judy White (Board)

Members Absent: Eric Meister (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

II. APPOINTMENT OF MEETING CHAIR

Throenle explained to the Commissioners that they would need to elect a chair to cover this portion of the meeting. Once they have considered and approved the By-Laws, they would go on to elect officers of the Planning Commission.

A motion was then made by Mahaney, supported by Smith to have Milton chair this meeting.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Kangas and seconded by Mahaney to approve the agenda as corrected (Under VI. Public Hearings should read "Public Hearing is deferred to item VIII.C.)

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. MINUTES

January 16, 2017

Motion by Kangas, and seconded by Mullen-Campbell, to approve the minutes as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

V. PUBLIC COMMENT

Tony Harry, 6369 US 41 South – Harry handed out information to the Commissioners. He indicated that he had started an ATV / ORV Club in Marquette County, and is working on a UP wide trail. He would like Chocolay Township to partner with the Marquette County ordinance. He indicated that there was a UP wide map in his packet. He is looking for support to be able to go through Chocolay Township as a connector. He indicated that he has much information, including information from Governor Snyder on multi-use trails. The Club is currently working on a trail, along with maintaining other trails. He feels the program would be huge. Milton asked if this concerned ATV's on public road. Harry indicated it did.

VI. PUBLIC HEARINGS

Public Hearing is deferred to Item VIII.C.

VII. PRESENTATIONS

None

VIII. NEW BUSINESS

A. Planning Commission By-Laws and Officers

Throenle indicated that at the January meeting, it was discussed that changes were necessary in the Planning Commission by-laws to be able to appoint officers for the coming year. The way the by-laws were written provided for election of officers in June. In order to be able to change this, the members of the Planning Commission needed to be notified by mail of this intent at least 15 days prior to the next regular or special meeting of the Commission. This was mail to Planning Commission members on February 2, 2017.

Mahaney moved, Smith seconded, to change the language in Article VI of the Planning Commission Procedures and Bylaws from, "Said officers shall be elected by the Chocolay Township Planning Commission from among its members, at its June Annual Meeting." to "Said officers shall be elected by the Chocolay Township Planning Commission from among its members, at its January meeting."

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Mahaney moved, Mullen-Campbell seconded, to change the language in Article X of the Planning Commission Procedures and Bylaws from, "amendments or repeal shall be submitted by mail to all members" to "amendments or repeal shall be submitted by mail or electronically to all members"

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

B. Planning Commission Election of Officers

Throenle indicated that since the Bylaws have been amended, the Planning Commission may now elect officers for the year. Throenle stated he had conversation with Meister, and that Meister was open to be considered for any position.

Moved by Smith, seconded by Kangas to nominate Tom Mahaney as Planning Commission Chair

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by Mahaney, seconded by White to nominate Eric Meister as Planning Commission Vice-Chair

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by White, seconded by Mahaney to nominate Donna Mullen-Campbell as Planning Commission Secretary

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Moved by Mahaney, seconded by Mullen-Campbell Andy Smith as Planning Commission Vice-Secretary

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

At this point, Milton handed the leadership of the meeting to the new chair, Tom Mahaney.

C. Rezoning Request – R-1 to Commercial

Throenle opened the discussion by presenting some of the historical data in relation to the request from the Keweenaw Bay Indian Community (KBIC) for rezoning a portion of their property where the Casino parking lot is at right now. The parcel referred to is Parcel A, with the legal description of the property as follows: **North 660 feet of the South 1,392 feet of the E ½ of the SE ¼ , except the West 150 feet thereof, Section 12, Town 47, Range 24 West, Chocolay Township , Marquette County, Michigan.** KBIC is looking to rezone only a portion of the parcel, as they would like to keep the west 150 feet of that parcel as Residential.

Throenle indicated to the Planning Commission and the audience that this meeting is being held to rezone the property. At this time, the project is not being considered. Any comments in regards to the project will come at a later time.

Throenle indicated that the primary zoning in the area is residential, including the parking lot. He stated he had pulled a record card on the property, with the latest date showing as 1994. This record card states that this parcel was “tax exempt” and at one time was considered to be in trust. The parking lot was built under this understanding, later to find out that it was not trust property. The parking lot was established in 1997, as verified by pictures taken of the casino.

Throenle indicated that there were several factors he had to take into consideration. The first consideration was the question, **“Does it make sense to have a commercial property in a residential area?”** Throenle indicated that there could be concerns of “spot zoning”. The second consideration was, **“This is residential, but there is a commercial operation that exists on Tribal property, which borders the residential property.”** This property borders on other Commercial property, spot zoning would not be a factor. The third consideration was, **“The parking lot itself**

had been there for 20 years.” This is not a new parking lot, and has been used for 20 years to access a commercial operation.

Mahaney asked if the property is Trust land. Throenle indicated that the parking lot is not Trust land, and at this time, is under the jurisdiction of Chocolay Township. Throenle then went over the map indicating which parcels belong to KBIC.

Public Comment

Jason Ayres, Real Estate Officer, KBIC, 16429 Beartown Road, Baraga MI – The past 20 years this parcel has been an accessory to a commercial property. Even without considering the future plans, it does make sense to consider a rezoning of this parcel. He realizes there are a lot of public concerns, but those are permitting issues, and not necessarily rezoning issues.

Linda Rossberg, 1975 M-28 East – has lived at this address since 1989. She indicated that this is the fourth time she has appeared before the Planning Commission or Township Board in regards to rezoning properties and development. Each time there are the same issues – not only with KBIC, but other properties, which were being looked at to turn into commercial. Rossberg was involved in the Comprehensive Plan of 2005, where it was decided that this are remain residential. She extremely opposes any rezoning in that area.

Janet Amundsen, 2029 M-28 East – ten years ago the community went through this with Dr. English, which ended with the property being turned over to Northern Michigan University. Her fear is the water usage that will be needed by the project. Her water comes from inland, coming towards Lake Superior. She is now on her 4th well – her well is 40 feet down. She feels that Chocolay Township should keep control of the parking lot. If this goes into Trust, the Tribe will be able to do whatever they want.

Rick Stoll, 1927 and 1931 M-28 East – he disputes the rezoning. The parking lot parcel is not surrounded by any other commercial property therefore the zoning should not be changed. Stoll pointed out that in 1989, the land adjacent was residential plots with no Tribal ownership. The land, which is under Tribal Trust status, is currently used for a commercial purpose. Stoll feels that how the land is being used under Tribal trust should not be the determining factor for a zoning decision on adjacent property. They are two separate entities. Stoll also pointed out that the future land use plan projection for this area is flawed, and the zoning should not be changed. The future land use is assumed to be commercial. Implementation of the plan is based upon the zoning changes – once one parcel changes, all other adjacent parcels are subject to change. Stoll also feels that Tribal ownership outside of the Trust areas is residential property and should not become commercial just because the adjacent Tribal land is used as commercial.

Genevieve Morgan, 216 Kawbawgam – the casino parking lot is directly behind her property. She opposes the change of zoning. When they moved there a year ago,

they did not expect to have commercial property behind them. She is also concerned about what would happen to the property value. Throenle indicated that this was an assessor question.

Jill Hendrickson, 2023 M-28 East – she is very concerned about the possible change in zoning. She feels that the area should remain residential. She also has concerns about the water – if the property goes commercial, she feels this will have a huge impact on their water. There have been many studies done over the years. She then handed out a letter to the Commissioners.

Mike Angeli, 212 Kawbawgam Road – he grew up in Harvey, lived in Marquette for 10 years, and recently moved back to Harvey. He felt there were a lot of concerns if the property is rezoned to commercial – increased traffic and water uses. Cause and effect – if the Planning Commission makes it commercial, it will affect all who live there. Angeli is opposed, as it will go through his backyard.

Public Hearing closed.

Commission Discussion

Throenle pointed out to the Commissioners that the Master Plan of 2015 shows future land use for this property to be commercial. There was a question from the audience that since the Master Plan is being used as the basis for the decision, was this given to the public and everyone notified. Throenle explained that the previous Zoning Administrator would have sent out a survey. There were several public hearings that would have taken place. Stoll feels that the public should have had better notice. Mahaney explained that when you sit down to do a Master Plan, this does not happen in one meeting – it takes many meetings to devise a Master Plan. This process is gone through every five years. Mahaney suggested it is always wise to pay attention to meetings and minutes of the Township. Another question from the audience was how the public is notified. Throenle indicated that Township requirement is notification of residents within 500'. This is sent to the owner of record based on our assessing database. This is also posted in the newspaper and on the Township website and bulletin boards. Mahaney stated that a Master Plan tries to anticipate future growth - it is used as a guide in making decisions.

Milton stated he remembers spending lots of time looking at boundaries. When developing the Master Plan, casino expansion was taken into consideration for zoning purposes.

Smith asked why the commercial zoning was not going to the highway. Throenle indicated that at this time, there is no intent to expand beyond the parking lot to the north.

Mahaney asked if there were any plans on the proposed parking, such as island, buffers, etc. Throenle indicated that this is not part of the consideration for the rezoning and will be brought forward at a later date when the actual project is proposed.

Kangas asked about the west 150' – is this deep enough to build residential. Throenle indicated that it was.

Smith asked about the checklist on how this will proceed. Throenle indicated that this is a guideline, as once it goes to the County level, they could still change the decision.

Kangas asked if the rezoning was foreseen in the Master Plan. Throenle indicated that it was.

*Moved by Smith, seconded by Milton, that after conducting a public hearing and reviewing the staff analysis for rezoning case #ZA 17 01 submitted by the Keweenaw Bay Indian Community, the Planning Commission finds that the proposed rezoning is **consistent** with the goals of the Master Plan, 2015 Edition, and hereby recommends that the Township Board **approve** ZA 17 01 as presented.*

Ayes: 5 Nays: 1 (White) MOTION CARRIED

Throenle explained that the process will now be to send the recommendation to the County Planning Commission for their review, and then it will go to the Chocolay Township Board for approval.

IX. UNFINISHED BUSINESS

A. Short Term Rentals

Throenle indicated that this was started last month, and he has included the answers to the questions from that meeting.

Smith asked about the current rules on renting your property – was wondering about the clarity on the number of days. White indicated that it doesn't specifically say "short term rentals". According to the State, you lose your tax exemption after 14 days. Throenle indicated that in the Zoning Ordinance, a "*Bed and Breakfast*" is not to exceed 14 days, "*Hotels*" would be a standard overnight, and "*Resorts*" is not for a period for any less than one month. There is a need for clarification on a definition of short-term rental. Smith asked about an attorney recommendation. Throenle indicated that the attorney will usually look at the ordinance after a recommendation from the Planning Commission.

White indicated that it is necessary to define "short-term". She feels this would be 30 days or less. Throenle indicated that due to the number of different events that are held in the area year round, short-term rentals have become an alternate choice. He feels there is a need to have rules and regulations in place to protect the Township. Smith was concerned about the time frame to get something like this in place, and wondered if there was anything that the State had in place for this. Milton questioned if there would be a possibility of having a tax on the rentals. Smith indicated that the homeowner would have to register the house as a tourist destination.

Smith indicated that all the questions the Planning Commission is looking at already have ordinances in place.

Supervisor Bohjanen indicated he thought maybe a simple thing to do in this case is to add a definition of “short-term rental” to the zoning ordinance, and then put into the zoning districts as a Conditional Use. The property owner would then have a permit. The list that Throenle is putting together would provide the owner / renter with a list of rules, and a checklist to make sure everything is covered. It was discussed that it doesn’t seem like it needs to be that complicated. The Planning Commission discussed what the time frame should be – days, weeks, months – over the course of a year.

The Planning Commission then went on to answer questions starting with #19.

Commission Discussion

General Considerations

1. **Should there be consideration in the ordinance to prevent long-term rentals from becoming short term rentals?** *It was felt that it is okay to convert, as long as it is not a multi-family dwelling.*
2. **Is property ownership important? For example, will outside entities, such as property management companies, be permitted to buy / manage a short-term rental property?** *Throenle indicated that this is a non-question, as we are unable to dictate who owns property.*
3. **People renting long-term should not be permitted to have a short-term rental. Yes or No?** *It was felt that they should not be permitted to sublet. This would probably refer back to the lease agreement and how that is written, which should cover if you’re allowed to sublet the rental.*
4. **General thoughts toward short-term rentals lead to requiring a permit to operate. Good idea or no?** *Homestead was questioned – if you are still living there and renting (such as a bed and breakfast) – will ask the Assessor. The Planning Commission felt this is a good idea – could be a two part permit – Conditional Use permit and a permit asking about safety, etc.*
5. **Should all short-term rentals be required to register with a valid listing site, such as Airbnb or HomeAway as part of the permitting process?** *It was felt that we can’t require how people market their property to potential customers.*
6. **Accessory dwelling units cannot be rented as either a short-term or long-term rental. Yes or No?** *It was felt that accessory dwelling units cannot be rented, as it does not meet our current zoning ordinance.*

Neighborhood Considerations

7. **Short-term renters should be held to the same standards as permanent residents in terms of noise, trash, etc. Are there further issues that should be considered?** *It was felt that short-term renters should be held to the same standards, if not stricter, and this would be included in the permitting process.*
8. **Hosts / owners must actively work to prevent issues from impacting neighbors. Are there further issues that should be considered?** *This should be included in the permitting process, and after a set number of violations, would*

have their permit revoked.

9. **A host / owner must be available, either on the property or within _____ miles radius of a property in order to rent. Yes or No? (Keep in mind snowbirds for this item.) Can the host be other than the owner?** *It was felt that there should be someone (whether it is the owner or a designated representative) to be held accountable and to contact in case of an emergency. This could possibly be a part of the permitting process.*
10. **Signs or no signs permitted for the location?** *It was felt that they should have the same rights as anyone else would be able to. Cannot control based on content, only on size.*
11. **What should the neighbor reporting process be if there is an issue at a neighboring rental?** *This was talked about in prior questions – depending on the issue they may be contacting the owner, the Township, or the police.*
12. **When looking at neighborhood character, how can the neighborhood's character be preserved while at the same time permitting short-term rentals?** *Would need to look at number of people and number of vehicles being permitted on the property. They would still need to be in compliance with the zoning ordinance. Need to explore a little more.*
13. **How should these neighbor issues with short-term rentals be addressed?**
Issue #1 – “I don’t want my neighborhood filled with party houses. Let’s keep it nice and quiet.”
Issue #2 – “I don’t want strangers next door to me. I do not want to worry about my kids outside.
Issue #3 – “I don’t want loud parties going on at all hours of the night next door to me.” *On any of these issues, there would need to be “substantiated” complaints from neighbors. Most calls would be going through the police. The owner would also need to take responsibility.*
14. **Should the number of short-term rentals be limited in a given neighborhood? For example, should a maximum of one rental per every three residences be established? If so, how will it be monitored and who gets to determine who is first in line? Or should the option be open to anyone that wants to rent their property on a short-term basis?** *The option should be open to anyone that wants to rent their property out.*

Economic Consideration

15. **One important point to consider in this issue is the economic aspect of the rentals, in terms of how much will be spent in the local area (on items such as food, groceries, gas, and entertainment) as a result of the rental. Is this a valid consideration for the discussion?** *It was determined that this is a positive bonus, but this is not a significant factor.*

Local and Large Events Consideration

16. **Can larger events be held at a short-term rental (such as a wedding, graduation party and 50th wedding anniversary) if the number of occupants remaining after the event does not exceed the established maximum?** *It was felt it was okay to have an occasional party, but not to become a regular large event venue. Tolerance would drop if this was something that was happening every weekend.*
17. **Should short-term rentals, with a special permit, be allowed during large events or certain seasons, especially since there are room shortages in the Marquette area?** Examples would be Christmas / New Years, UP 200 sled dog races, Ore to Shore bike race, and Hiawatha Festival, as well as during the weekend events that occur during the summer months in the Lower Harbor and surrounding communities. *This would become a cumbersome permitting process, but will take a look at.*
18. **Will food services (such as catering or food trucks) be permitted at a short-term rental location?** *It was determined that it shouldn't be allowed.*

Remaining Questions

19. **What type of safety accommodations (such as fire exists, smoke detectors, fire extinguishers, first aid kits and carbon monoxide detectors) must be provided at a short-term rental unit?**
As determined by Fire Department or County codes.
20. **Should issuance of a permit be dependent on a documented fire and safety inspection? If so, who would provide this service?**
Safety inspections – to be determined
21. **Should issuance of a permit be dependent on proof of liability insurance? If so, what should the minimum amount be?**
To be determined
22. **Should a guest registry be required? If so, who will monitor and check the registry often?**
It was determined this was not needed
23. **Accessory dwelling units cannot be rented as either a short-term rental or long-term rental. Yes or no?**
The intent of accessory was for immediate family. Final consensus was NO.
24. **What type of substantiated violations can be issued for a short-term rental? Does a certain number of substantiated violations (say three), revoke the short-term rental permit, and if so, for how long?**
Citations would be issued to the homeowner – would need to be a written violation – has to be substantiated.
25. **Will the standards applied to short-term rentals for noise, trash, etc. be the same as applied to all other dwellings in the same neighborhood?**
Yes
26. **Should short-term rentals be required to have wildlife-proof trash containers for guests that leave prior to scheduled trash pickup?**
Yes

27. Will food services (such as catering or food trucks) be permitted at a short-term rental location?

No

28. Other safety considerations?

No comments

29. Environmental Considerations (such as trash and water usage)?

No comments

30. Cost of permit?

Conditional Use is \$250 - part of this is a yearly review

31. Issued permit for one year, multi-year, or permanent?

Two to three years, based on fee – would depend on restrictions that have been placed on the permit. Possible annual renewal as insurance policies are annual policies.

32. Other considerations.

Throenle will put together a definition of short-term rental for the next meeting. Mullen-Campbell questioned the fee and did not want it to be too high. Throenle explained that the affordance of the fee would come down to individual decisions and if it made sense for them to continue to rent. Mahaney wondered about making sure that the renter knows the rules of the Township – Throenle felt this would be the responsibility of the owner.

Milton mentioned that when people are doing Site Plans, it would be helpful to have a checklist and the zoning of the adjacent parcels with it.

X. PUBLIC COMMENT

Dick Arnold, 312 W Branch Road – commented that it was nice to see new members on the Planning Commission. He would like to see the AF district changed – currently in the AF district there are 8,000 acres, 841 parcels with 512 of those parcels under 20 acres and therefore non-conforming. Most people that live on non-conforming lots want to live in the country to enjoy the wildlife and the forests. There are accessory buildings of unlimited size and numbers. Prior to being zoned AF, they were zoned as Rural Residential – the Commissioners may want to consider going back to that.

XI. COMMISSIONER'S COMMENTS

Kangas – none

Mullen-Campbell - none

Milton – none

Smith – he agrees with D. Arnold – this has been brought up many times and he would like to look into this and get it on the list of priorities for this coming year.

Mahaney – none

White - none

XII. DIRECTOR'S COMMENTS

The next meeting for the Planning Commission will be on Monday, March 20th, starting at 5:30 PM with a Joint Meeting with the Township Board, and then have the regular meeting of the Planning Commission starting at 7:00 PM. The agenda will include establishing priorities. The Joint Meeting will also involve handing out tablets, along with a tutorial, with the intent that March will be the last meeting there will be paper packets. There will be a Public Hearing scheduled for the Planning Commission.

In reference to D. Arnold's comments, Throenle indicated there are many parcels in the Township that are non-conforming. He is planning on bringing this up at the ZBA meeting on Thursday, Feb. 23rd to see if he can get some guidance.

Throenle also pointed out the informational material he had placed on the table – Township Insights and Township Voice.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 01/17/17 Marquette City Planning Commission
- B. Minutes – 01/09/17 Township Board minutes

XIV. ADJOURNMENT

Mahaney adjourned the meeting at 9:51 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, March 20, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:12 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Steve Lawry (Township Manager), Suzanne Sundell (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

February 20, 2017

*Motion by Milton, and seconded by Meister, to approve the minutes as corrected (Page 11 under Adjournment should read **Mahaney** ~~Meister~~ adjourned the meeting at 9:51 pm).*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

None

V. PUBLIC HEARINGS

Public Hearing is deferred to Item VII.A.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Conditional Use Permit CU 17 01 - 6448 US 41 South

Public Comment

Francis Ward, owner of 6448 US 41 South – he has a potential buyer for the property, and they would like to put in a daycare center. Frank pointed out that the permitted principle uses for Commercial property which are listed in the Zoning Ordinance. He feels a daycare center would have substantially less traffic that the permitted uses, so he does not understand why daycare center would not be listed in the permitted uses.

Staff Introduction

Throenle indicated the reason that the only reason Mr. Ward is listed on the application is that he is the property owner, and there has not been a sale as of yet. The property in question is the old Root 41 restaurant, and the property has been vacant for several months. The property is being sold, along with the property behind it. The daycare will be contained in the existing structure, with the only addition being a fenced in area in the same location. There is more than adequate parking to support a daycare. Notice had been sent to surrounding landowners, and no comments have been received. The daycare would run Monday through Friday, 6:00 AM to 6:00 PM. The noise factor would be minimal.

Commissioner Discussion

White asked who the potential owners of the daycare are. Throenle indicated they were in the audience – David and Sue Ridolphi. White asked about the licensing for the daycare. Sue indicated that they have already met with licensing and the Fire Marshall, and a business plan is in place. Sue is a teacher and will be there until school starts, at which time she already has a Director and Lead Caregiver hired. David is a contractor, and will be the one that will be doing the modifications inside.

Milton asked what the daycare capacity would be. Sue indicated that it could go as high as 60 – 75 children, but this would depend on the age of the children. They will also be providing latchkey services, if needed, for both morning and afternoon.

Mahaney asked about an outdoor play area. Sue indicated this will be enclosed in the back – at this point there is nothing commercialized planned. They would like to have a little race track in back to ride three wheelers, a couple of swings, and a few “diggers”. Sue indicated that anything permanent has to be installed by a professional and inspected by a professional – at this point, they are just planning on keeping it natural. David indicated this will be a 75’ x 75’ area (approximately).

Meister indicated he felt it was pretty straight forward – a daycare meets the general characteristics of the permitted uses in that district.

Mr. Ward asked for an explanation of a “Conditional Use” permit. Throenle stated it applies to uses that are outside the permitted uses, and based on that the Planning Commission needs to approve the use of the property, along with any “conditions” they would place on the permit. Throenle indicated that the Conditional Use permit goes along with the property. Ward asked about any additions that may be put on the property – would there be a need to come back to the Planning Commission for those. Throenle indicated that they would still need to come back to the Planning Commission for a Site Plan Review.

David indicated that there is a modification he would like to make right away – there are two furnaces in the back, and he would like to add a storage area to the back of the building and move the mechanical equipment into that area – 16’ x 40’. This would be storage for the outside equipment. White indicated he would still need to

get a permit from the County.

Mahaney stated it seemed like a good reuse of the building. White agreed it would be a good asset to the area.

Meister moved, Kangas seconded, that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 01, and the understanding that the proposed use is compliant with all terms of "Section 16.2, Conditional Use Permits Basis of Determination and General Standards" and the intent of the Zoning Ordinance, the Planning Commission approved Conditional Use Permit 17 01, with the addition of allowing an addition of up to 16' x 40' on the west end of the building.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Planning Commission Priorities

Throenle indicated this is just a matter of taking what was given by the Township Board, and incorporating them in the Planning Commission Priorities for 2017 – 2018. Throenle indicated that based on the Board's recommendations, Priority 1 should include the Asset Management Plan, Mixed-Used Corridor, Short Term Rentals, and Zoning Ordinance review and where the conflicts exist (with possible review of two ordinances per meeting).

Meister asked about the four-season transit facility. Throenle indicated that this was something that the former Planning Director (Kelly Drake Woodward) had seen as a need for the Township. Mahaney also stated this was one of the comments that was seen as a priority in the Master Plan. It was agreed that this should stay on the list. Meister indicated that the issue with this was that there was no money to build it – may need to look at grant money that is available. Mahaney feels that this is needed in the Township. Steve Lawry (Township Manager) addressed the issue of grant money. There had been grant money available in approximately 2010. Lawry and Planning Director Jennifer Thum met with Al-Tran, Marq-Tran and the director of MDOT. Marq-Tran did have a grant for bus-stops that they were not using. MDOT urged them to spend on this or return to MDOT. Marq-Tran did not choose to do this, so the grant money expired and went back to MDOT. Lawry stated that at the time, based on the ridership, Chocolay Township was not considered a priority. He felt that this would be the case until such time that the Board membership changes. We could go ahead and apply for grant money without involving MarqTran, but we would still need to involve them as the service provider, so it is best to try to involve them at the beginning. It was suggested that this be dropped to Priority 2. A better way to approach is to get the right people on the Authority Board to support this idea. Milton asked if the four-seasons would need water and sewer. Lawry indicated it would.

Throenle asked that since there were no Priority 3 items, could Priority 4 be moved

to Priority 3.

Kangas indicated that on the Priority 1 list, we are showing the Asset Management Plan for roadways. He asked that the sewer system and possible water system be included in this item.

VIII. UNFINISHED BUSINESS

None

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Milton – none

White - none

Mullen-Campbell – none

Kangas – he is looking forward to the Asset Management discussion

Meister - none

Mahaney – felt this was a good meeting

XI. DIRECTOR'S COMMENTS

Throenle indicated that the next meeting he would be bringing back the Short Term Rental discussion, a Conditional Use application, and the Mixed Use Corridor.

Throenle indicated that he hopes to have tablets for the Planning Commission at the next meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 02/17/17 Marquette City Planning Commission

B. Minutes – 02/22/17 Marquette City Planning Commission

C. Minutes – 01/09/17 Township Board minutes

XIII. ADJOURNMENT

Meister adjourned the meeting at 7:50 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, April 17, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary) Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: none

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Meister to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

March 20, 2017

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

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

June Rydholm – 221 Lakewood Lane – wanted to comment on Short Term Rentals. She is very much against them. She has had experience with them next door to her – drinking, drugs, and partying – she has a shared driveway, and the cars would be lined up in the driveway all hours of the night. They would litter the beach with all kinds of garbage. She was the one making them picking it up – she doesn't feel she needs to be the police for the beach. The other experience was with renters two doors over – these renters would be going to the bathroom on the trees and trashing the bayou with bottles. In many communities across the United States, they are stopping short term rentals for the above reasons. She also wanted to know how the short term rentals affect our census numbers.

Robin Smith, 2441 M-28 East – her parents owned the Bed & Breakfast. She still has the B&B with a Conditional Use permit. This is a short term rental. She lives in the main house on the property. She feels this is a wonderful thing for our community. There are a lot of people that come from all over the United States and Europe. Smith would like to speak to the Planning Commission about changing the definition of a bed and breakfast. Smith is a certified massage therapist and a yoga teacher, and she would like to be allowed to offer these services to her guests. She has a room in her house that she already uses for her own personal practice, so would not be expanding. Her family has owned the property since 1924. The idea came up when guests started asking

about yoga retreats. The capacity of the B&B is 4 guests. This would limit the amount of traffic. Smith stated there are no State of Michigan requirements to operate a yoga studio, but she maintains her studio as if there were requirements, with things such as continuing education. Smith has joined a yoga alliance group, which provides for continuing education and oversight on the operation. She has intake forms that are filled out by the guest indicating the level of fitness. Smith feels this would be good for the Marquette area, as it will increase tourism. Smith also stated she has never had a problem with her guests. Smith indicated that she feels the Marquette area is becoming more holistic. Throenle indicated that the definition would be discussed later in the meeting with Item VIII.B on short term rentals.

Dick Arnold, 312 West Branch Road – would like to address the vehicle ordinance. Vehicles don't have to belong to the resident. His neighbor doesn't live there, but stores all his tractors there. The zoning ordinance indicates that the Zoning Administrator can grant leeway to a situation, but it also says that he is not able to do it. The Ordinance also says that you can park vehicles and parts in the front yard. He doesn't feel that the Ordinance was looked at enough. There is no size limit on boats, trailers, etc. His neighbor has three recreation vehicles in his front yard, and according to the Ordinance he can fill up the backyard with recreation vehicles. Agricultural vehicles in a residential area – no number on how many, owner can be anyone, and they can be "maintained" in the yard. He has lived here a long time, but it now seems that you don't know for sure what is going to be next to you. He is also concerned about the BBQ truck parked in the driveway on Cherry Creek Road. Things just don't seem to matter to the Township. Accessory buildings – need number of how many can be on the lot. Needs to be a formula for how big the lot is to determine number of square feet for these buildings.

Jennifer Bruggink, 673 Lakewood Lane – has owned the property for 19 years, and lived there for 18 years. When they moved in, there were families living there, including one long term rental. When the renters moved, the owners decided to do short term rentals. She has 50', so there isn't any space – not able to grow trees or bushes, and she doesn't want to live between two barrier walls. She is very concerned that short term rentals could become okay with the Township. She doesn't want to have to worry about who is next door. The noise and vacation atmosphere make it hard for residents who have to work the next day. There is also an issue with trash, as the people that make the trash are not usually there on trash pickup day. The landlord has provided a dumpster for trash removal, but this is an eyesore. She did not buy the house for that type of environment – for lake living and the residential neighborhood. She encouraged the Planning Commission to consider the people that are already living there. Mahaney asked if she had ever called the police. Bruggink indicated she usually calls at least once per week during the summer and special events.

Jenny Cammerata, 669 Lakewood Lane – she does not support short term rental. She lives in a neighborhood – you know your neighbors and you trust your neighbors. She used to clean for a short term rental, and oftentimes, the beach was littered with beer cans, and there have been times where there has been drug use that she had to clean

up. She does not support short term rentals. She feels the Planning Commission needs to pay attention to the language and how the ordinance is written because it could be okay in certain cases. This will not work if the homeowner is not present, because no one is taking care of the property. From what she has seen, someone rents a short term rental, and then you start seeing additional people show up with tents and RV's – as many as 25 people, where there should have only been 5 or 6.

Public comments closed.

V. PUBLIC HEARINGS

Conditional Use Permit CU 17 02 Public Hearing is deferred to item VII.A

VI. PRESENTATIONS

Presentation of Citizen Planner Certificates (this portion of the meeting was overlooked, so was done at 9:00 PM when the second part of the meeting started).

Throenle indicated there were four people that completed the Citizen Planner Seminar – certificates were handed out to Kendell Milton, Judy White, and Donna Mullen-Campell.

VII. NEW BUSINESS

A. Conditional Use Permit CU 17 02 – 140 Carmen Drive

Staff Introduction

Throenle indicated that the property is located behind Main Street Pizza, which is owned by Brandon and Jess Croney. He would like to operate a small contractor yard to store equipment and materials to be used for his business. The material used is a noninvasive material, with no threat to the environment. There have been no negative comments received from adjoining property owners. No business transactions or other activities, other than storage, would occur on the property. Maximum amount of people would be 3 or 4 at a time when they are getting the materials needed. Throenle does not see a traffic problem or a noise issue. Throenle indicated that he would recommend approval, as he feels this is a good use for the space, as it sits behind Main Street Pizza. There should be no impact on Main Street / Big Burger as they have no entry accessing their property to the back.

Applicant Discussion

Croney indicated that he had spoken with the Main Street Pizza owner and their only concern was that anything stored there would not be a groundwater issue (Croney owns Jet Black Asphalt Seal Coating). Croney has talked with DEQ and about disposal should there be a spill. Croney feels he is going above and beyond – getting a building permit, pouring a concrete pad with rebar and putting side braces on it. Croney is also clearing the stumps, rather than just pouring over it.

Mahaney indicated that the sheet shows that the product is asphalt based. Croney explained it is a thickened cold tar product. All he does is add water to it. Insurance does not consider it asphalt based. It is stored in a completely contained unit, and

can only be released by opening the three shutoffs.

White asked about fencing. Croney plans on doing a 6-ft wood panel fencing. White indicated that the Ordinance stated it needs to be an 8 foot fence. Croney stated that was fine – he would prefer it being higher. Meister asked if Croney was fencing the west side, or was he going to leave the tree screening. Croney indicated that he would like to do it in the future. Meister stated that it looked a little thin in back by the home. Croney indicated he would have no problem planting additional trees there.

Mahaney asked if Croney was intending to gravel the lot. Croney indicated that was his plan. Mahaney asked about number of vehicles – Croney stated he had around a dozen vehicles and trailers.

Smith wondered if there was a checklist for Conditional Use permits. Throenle indicated that he did not have one. Throenle indicated that things such as number of vehicles could be limited by a condition on the permit.

Mahaney asked if there were any plans to build a structure at the site. Croney indicated he does not do maintenance, so he has no desire or need to build anything there. Meister indicated that with a Conditional Use, you would have to come back to the Planning Commission. Smith indicated that the potential use needs to be considered, in case of sale.

Mahaney asked how this fits with the Master Plan. Throenle indicated that this is Commercial property, and fits in with the uses listed there.

Milton indicated that a contractor's yard next to a Class A highway is a valuable piece of property.

There was some discussion on the number of vehicles that could be in the yard at one time. Smith explained that the reason for this was because the Conditional Use permit goes with the property, and if the property was sold tomorrow there needed to be some guidelines as to what is acceptable. Throenle indicated that the type of trucks that will be in this contractor yards are the crew cab type – smaller and less noise.

Commissioner Discussion

Smith indicated there needs to be conditions – to leave it wide open causes problems. He feels it is very important that this is done right. This is a conditional use, so it needs to have conditions. It sets the bar for everyone. Smith feels there should be limits set on hours of operation, days of work and what's stored. Smith would like to see a generic checklist to make sure they are considering everything.

Mahaney indicated there were some things that the Commission needs to discuss such as hours of operation and days of work. Milton asked if it was going to be electrified. Croney indicated there was no need for electricity – he would not be there after hours, and there would be no maintenance being performed.

The hours of operation were discussed – many different options were discussed.

The decision was made that hours would be Monday through Saturday from 6 AM – 7 PM, and Sunday 9 AM – 3 PM. These hours would be year round.

The number of vehicles was then discussed – Throenle indicated that the size of the lot is limited (0.63 acres) and the size for the container (180 sq. ft.), which will greatly decrease the number of vehicles if you set the condition that all vehicles must be on the lot. It was also suggested that Croney may be able to negotiate with other property owners (Habitat for Humanity, Cherry Creek Market) to be able to have employee parking on their lots.

With fencing, the Planning Commission feels that the whole area should be enclosed. Croney felt he would need some additional time to fence the west side, such as by September 1, 2017. Other sides will be fenced immediately, primarily for security and visual reasons.

Milton asked if there would be deliveries made to the property. Croney indicated that once a month there would be a delivery of seal coat by a tanker. This would not be on Sunday.

Maintenance was discussed, such as changing a tire, oil changes, etc. in the yard. This would need to be contained. Croney indicated that he does not feel they will be doing this, as he usually has his mechanics (who are off site) go over the vehicles before starting up for the spring. Throenle stated maybe it should be limited to emergency repair. Supervisor Bohjanen commented from the audience wondering who would normally regulate this. It was noted that the owner would need to go through the MDEQ. Bohjanen felt that there should not be regulating at this point – if Croney decided he wanted to do maintenance, it would then need to go through the MDEQ.

Kangas asked about the driveway on Cherry Creek Road. Croney feels this would be a safer entrance, rather than the entrance on Carmen Drive. The entrance on Cherry Creek would allow for a better line of sight. Kangas indicated he was glad that Croney had thought about the line of sight, but questioned whether it was a good idea to put another driveway on Cherry Creek Road if it was not needed, especially from an access management perspective. Kangas is also concerned about the speeds on Cherry Creek Road. Throenle pointed out that the speed limit is 45 mph. Smith indicated Marquette County would have control on the addition of a driveway. Meister stated that having access from Cherry Creek Road would be safer than pulling out off of Carmen Drive onto Cherry Creek Road. Croney indicated he would like to add the driveway in the fall.

Mullen-Campbell moved, Kangas seconded, that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 02, and the understanding that the proposed use is compliant with all terms of "Section 16.2, Conditional Use Permits Basis of Determination and General Standards" and the intent of the Zoning Ordinance, the Planning Commission approves Conditional Use Permit 17 02, with the additional conditions of:

1. *Completion of a fence by September 1, 2017 along the west property line.*
2. *Hours of operation will be limited to Monday through Saturday, 6:00 AM – 7:00 PM, and Sunday from 9:00 AM – 3:00 PM, year round.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

A motion was made at 8:50 PM to take a short 5-minute break.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Meeting resumed at 8:55 PM.

B. Zoning Ordinance Rewrite

Mahaney moved, White seconded to skip this agenda item at this meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Review of Planning Commission Priorities

Meister asked Throenle to give more detail on the Asset Management Plan. Throenle indicated that Manager Lawry will be working on this as part of his responsibilities to go in-depth on roads, the sewer system, and a potential water system. This would then go to the Planning Commission. Kangas asked if Lawry would be collaborating with the Road Commission on this. Throenle indicated that Manager Lawry is part of the US 41 Corridor Group.

Mahaney asked about the order of the priorities. Throenle indicated that the Planning Commission is not held to a certain order.

Meister asked about the Nuisance Control Ordinance – Throenle indicated that this is to take a look at the Ordinance in the AF zoning district.

Mahaney asked about the Accessory Homesteading Activities – Throenle indicated that this had to do with the trend for different structures on a property, and the possibility of renting these structures (i.e. two houses on the same property – is one able to be rented).

Meister moved, Mahaney seconded, to accept the 2017 – 2018 Planning Commission priorities as presented.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

B. Short Term Rentals

Throenle opened this discussion with a trip he had taken downstate to a conference last week and a side trip he had taken to the Boyne Highlands area. All areas at the base of the mountain are rentals. He then went to Harbor Springs, where everything along the lake was a rental, and the homes were huge. After seeing this, he would like the Planning Commission to keep the rural character of our area in mind when looking at definitions for short term rentals. He would also suggest staying with the

size restrictions that are currently in our Ordinance.

Mahaney asked how to police this – Throenle indicated that they would still need a Zoning Compliance permit for an addition.

Meister felt the only way to make it acceptable is to have restrictions that would make it fit in with what is there. Mahaney also felt that the owner or someone who is responsible for the property needed to be local.

Throenle felt that short term rentals need to be looked at district by district. Meister stated that they could possibly look at road frontage. Throenle stated that the Planning Commission will need to use caution when establishing restrictions.

The Planning Commission then went through the definitions.

Zoning Ordinance Definitions in Relation To Short Term Rentals

Bed & Breakfast

Current

Means a use that is subordinate to a single-family detached dwelling unit in which transient guests are provided sleeping rooms (not to exceed four (4) rooms) and a breakfast only, in return for payment; is the owner's personal residence; is occupied by the owner at the time of rental; and, the length of stay of any guest is not to exceed 14 consecutive days and 30 days in one year.

Proposed

A use of a single-family dwelling unit in which guests are provided temporary sleeping rooms, meals, and related amenities in return for monetary payment to the owner.

The dwelling unit is the owner's personal residence, is occupied by the owner at the time of rental, and the owner does not provide more than four sleeping rooms for guests.

The length of stay for the same guest is limited to 14 consecutive days and 30 days in a calendar year.

Discussion

In the proposed, the related amenities would involve any kind of services that would be provided to the guests. The current only includes breakfast. The change would allow the owner some flexibility on if they wanted to provide coffee, treats, or other meals, or other services such as yoga or massage therapy.

The question was then raised about Home Occupation. Throenle stated that if this is just offered to the guests, it would not be considered a Home Occupation. If it was

offered to the public, then it would be necessary to obtain a Home Occupation permit.

There was some discussion on length of stay, and it was decided by the Commissioners that this should be a decision made by the owner, and not regulated by definition. The Planning Commission suggested the following for the Proposed:

*A use of a **single-family dwelling** unit in which guests are provided temporary sleeping rooms, meals, and related amenities in return for monetary payment to the owner.*

The dwelling unit is the owner's personal residence, is occupied by the owner at the time of rental, and the owner does not provide more than four sleeping rooms for guests.

~~*The length of stay for the same guest is limited to **14** consecutive days and **30** days in a calendar year.*~~

Campground

Current

A parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

Proposed

*A **tract of land** under the control of an owner or owner designee where the land is divided into sites offered for use by organizations or the public for the establishment of temporary living quarters consisting of any combination of **three** or more recreational vehicles, tents or other temporary habitable structures or sites.*

This tract of land can be offered for use either free of charge or for a fee.

Discussion

Throenle explained this is in this discussion because he felt the language needed to be cleaned up in regards to "tract of land". The State of Michigan requires five camping spaces. Throenle also indicated that Chocolay Township has a campground at the marina, which has two camp pads which were built by a DNR grant in 2010. Because we are governmental, we are exempt.

Meister asked if there was any reason that we would need to match to the State. Throenle indicated that this was not necessary. Mahaney asked if campground was an allowable use in the AF district. Throenle stated it was.

The Planning Commission decided to go with the Proposed definition.

Dwelling, Multi-Family

Current

*A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities, and conforming in all respects to the standards set forth in **Section 6.3**. These may include apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.*

Proposed

A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities, without interior access to the other dwelling units, and conforming in all respects to the standards set forth in Section 6.3 of this ordinance.

This definition does not include hotels, hospitals, or nursing homes.

Discussion

Throenle indicated that since the Proposed is already pointing to Section 6.3 there was no need to go through the list.

The Planning Commission went with the Proposed definition.

Dwelling, Single-Family

Current

A structure containing not more than one dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 6.3.

Proposed

A building designed for use as one dwelling unit where no more than one family may occupy the dwelling unit.

A single-family dwelling unit must meet all requirements described in Section 6.3 of this ordinance.

Discussion

There was a question on why the proposed includes “no more than one family”. Kangas read the definition of family from the zoning ordinance. This seems to be consistent with the definition.

The Planning Commission agreed with the Proposed definition.

Hotel

Current

Means a structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts and motels, but not including hospitals and nursing homes.

Proposed

A place of business that rents multiple rooms at the same location for temporary occupancy, and has generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

The length of stay for the same guest is not limited to a set number of calendar days.

This definition does not include hospitals, nursing homes, or group homes.

Discussion

Due to some confusion because of definitions of tourist homes, etc., this has been rewritten to clean up the language. Kangas requested that line two of the proposed definition read "... occupancy, and ~~has~~ generally offers ..."

This change was agreed upon by the Planning Commission and the proposed definition was accepted.

Recreational Unit

Current

Means a tent or vehicular type structure, primarily designed as temporary living quarters for recreational, camping or traveling use, which either has its own motive power or it is mounted on or drawn by another vehicle which is self powered. (Such unit shall not include a mobile home as defined herein.)

Proposed

A tent or vehicular type structure, primarily designed as temporary living quarters for recreational, camping or traveling use, which either has its own motive power or it is mounted on or drawn by another vehicle which is self powered.

This definition does not include mobile homes.

Discussion

Mullen-Campbell asked about "tiny houses". Throenle indicated that in this case they would not be considered a recreational unit.

The Planning Commission agreed on the Proposed definition.

Recreational Structure

Current

Means a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.

Proposed

A permanent structure used intermittently for occupancy for recreation or vacation purposes and which is not a permanent place of domicile or residency.

This definition does not include tents, blinds, tree houses or trailers generally used for travel or camping.

Discussion

The Planning Commission agreed on the Proposed definition.

Resort

Current

Means any parcel or tract of land under the control of any person wherein buildings or building space are offered for the use of the public or members of an organization, either free of charge or for a fee, for temporary living quarters incident to recreational use for any period less than one month.

Proposed

A **tract of land** under the control of an owner or owner designee where two or more structures are offered for use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for any period less than one month.

A resort has generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

This definition does not include bed and breakfast, hotels, short term rentals, hospitals, group homes, and nursing homes.

Resorts are limited to the AF zoning district.

Discussion

Throenle indicated that the Proposed language was modified to distinguish between a single family dwelling.

Resorts are currently listed in the AF district as a conditional use.

Mahaney asked if there were currently any resorts in Chocolay Township. Throenle indicated that we don't. Meister indicated that the language doesn't differentiate between a hotel and resort. Mahaney suggested that in a hotel everything is contained, whereas in a resort, it would be spread out, with more than one structure. Mahaney questioned as to why this would not be able to apply to the waterfront district. Throenle will remove the sentence "Resorts are limited to the AF zoning

district.” The Planning Commission approved the Proposed definition, minus the above removal.

Short Term Rental

Current

None

Proposed

A dwelling unit, owned and/or operated by the property owner, providing temporary accommodations for periods as short as one overnight stay, and rented more than fourteen days per year.

Such rentals are only permitted in specific zoning districts – AF, C, R1 and WFR – and must meet the established regulations for Short Term Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

Additional Language for Consideration

This definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health care related clinic

This definition does not include housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

Discussion

Throenle indicated that he recommends that the language needs to keep the language of anything restricted by deeds or covenants. Also, there is the stipulation of fourteen days – after this, the homeowner would lose their PRE.

There was much discussion about length of stay. Throenle indicated that the line, “A dwelling unit, owned and/or operated by the property owner, providing temporary accommodations for periods as short as one overnight stay. ~~and rented more than fourteen days per year~~”

Throenle indicated there was a need to rewrite the long term rental length of stay.

With the revision of the above, the Planning Commission agreed on the Proposed definition.

Structure

Means any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation, buildings, mobile homes,

radio towers, sheds, signs, and storage bins, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios excluding uncovered open porches not to exceed four feet above grade and not to encroach into the front yard setback by more than six feet in front of the single family dwelling.

Proposed

Placement of constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation – buildings, garages, mobile homes, pole barns, sheds, signs, and towers that will be in use more than six consecutive months.

This definition does not include fences, sidewalks, paving on streets, driveways, and parking areas.

This definition does not include patios and uncovered open porches or decks that do not exceed four feet above grade and not to encroach into the front yard setback by more than six feet in front of the dwelling unit.

Milton stated that code says 21” – Throenle stated that ours shows 4’. Milton feels that it should match the building code – anytime you need a handrail.

The Planning Commission decided to leave the definition of structure for another meeting, as there are many different aspects that need to be discussed in this definition.

Rural Character

Current

The rural character of Chocolay Township embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and aesthetic values. The measures of this quality of life and what future rural developments to look like can be found in the Comprehensive Master Plan. For purposes of this section, rural character shall also be defined to mean areas perceived as having a low density pattern of development, being generally void of man-made improvements such as city essential services and exhibiting open fields, farmlands or woodlands as common elements of the visual landscape.

Proposed

None

Throenle will bring the updated definitions back to the May meeting.

C. Mixed Use Corridor

Mahaney moved, Mullen-Campbell seconded to table this subject to next meeting.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENTS

Milton – None

White - None

Mullen-Campbell – None

Kangas – None

Meister - None

Mahaney – Great meeting

XI. DIRECTOR'S COMMENTS

Throenle stated that he obtained much information from the conferences he attended. One of the key pieces was the availability of low interest loans from the USDA. These loans not only cover residential, but also infrastructure such as roads and sewer systems.

Next meeting there may be a potential Site Plan Review for the KBIC Casino project. If not in May, it will happen in June.

Suzanne Sundell is the new Community Development Coordinator – this will be a great help to Throenle and Manager Lawry as the Township moves forward with different projects.

There is a scenario that will come up next meeting – the property across the street (St. James the Less) is up for sale. Realtors are marketing the property as commercial, but it is zoned residential (R1). The Planning Commission will need to discuss the rezoning of this property. (Churches are a conditional use in a residential district)

Thanked the Planning Commission for their patience in going through the Conditional Use permit.

Mahaney questioned if the PC would be discussing Short Term Rentals next month. Throenle indicated that this is going to depend on if the Site Plan happens.

White asked about the possibility of having a special meeting in order to get caught up with some of the items that are pressing. This would be a possibility.

In regards to the Site Plan, there have been preliminary plans which have been reviewed by Chocolate Township personnel and the Fire Department. Kangas asked about the test well findings. No results yet. Throenle also indicated that KBIC is planning on having a Town Hall Meeting prior to the Site Plan review. There is a possibility that this could be combined with a Special Meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 03/17/17 Marquette City Planning Commission

B. Minutes – 03/20/17 Township Board Minutes

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:35 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, May 15, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Judy White (Board)

Members Absent: Kendell Milton (excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by White and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

April 17, 2017

*Motion by Meister, and seconded by Mullen-Campbell, to approve the minutes as corrected (Page 3, under Applicant Discussion, second line should read, "...anything stored there would not be a groundwater **issue** ...). The tape was reviewed for the correct word.*

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Janet Amundsen – 2029 State Highway M-28 East – she had some things she would like to have cleared up. Who makes up the agenda for the Planning Commission meeting (**Throenle indicated he did with input from the Planning Commission**), who makes up the agenda for the Township Board (**Township Manager, with input from the Board of Trustees**), when are packets received (**Thursday prior to meeting**), how soon are minutes posted (**approved within 3 working days of meeting, draft within 8 working days of meeting**), who started the Casino parking lot rezoning (**KBIC requested the rezoning**). Amundsen thanked the Township for giving her a copy of the US Geological Survey, but questioned the year the report was made. She feels there were not as many houses and other properties that would be drawing down the wells. Amundsen questioned the Commission on if they had read the whole report. Amundsen also has concerns about the increase in highway speed – she feels that this is very dangerous. She wondered if the Board plans to represent the homes on M-28 on this matter. Mahaney stated that the Township has no control over this, as it is a state designated highway. White suggested that Amundsen contact MDOT.

Matt Blondeau – owns the apartment building at 125 Kawbawgam – he would like to address some zoning issues that he is facing. Blondeau's property is zoned Multi-

Family Residential, while the apartment building across the street is zoned Commercial. This has created some setback issues for him, as he only has 2 acres – not able to rebuild in case of fire or to expand. He felt that his property should have been zoned Commercial. He would like the Planning Commission to look into this issue further and try to correct the zoning discrepancies. This property was used as a motel for forty years before the zoning ordinance was adopted, so he felt it should have been commercial from the start. Blondeau felt it should align with building codes. Mahaney asked Throenle if this is something that should go to the ZBA. Throenle indicated that he would be addressing this in his Director's Comments later, as this is not the only property out there with issues such as this. Throenle has gone through records and can find nothing indicating why things got changed in 2008. Meister pointed out that the Commercial district does not allow multi-family, so this would create a new problem.

John Wilson, 1987 M-28 East – he is a year round resident. He is for short term rentals, if regulated properly. He has used them himself when visiting other cities. Prior to buying their home, they had a long term lease at 1963 M-28 East, which had a short term rental next door, with its own driveway. There were no problems while living there. Now that they live at 1987 M-28 East, they have had multiple issues with a short term rental next door, as they have a shared driveway – the renters park on their property, ring their doorbell trying to get in, take their firewood – the renters seem to think that both properties are the rental. He has called the police. On the other side, there is a family camp with their own driveway – there are people coming and going all the time, but there are never any problems. He feels there needs to be some sort of compromise, possibly with permits, regulating the number of short term rental in the area, not having permits issued to owners with shared driveways, limits on the number of overnight guests, limit on number of vehicles that can be parked there. There needs to be a mechanism to revoke the permit if there are too many complaints. He would like to volunteer his time, and would like to be more involved as this goes forward.

Deborah Mulcahey, 633 Lakewood Lane – she is totally opposed to short term rentals. Mulcahey does not feel that Chocolay Township should follow the City of Marquette. She feels there is no impact to local economy in Harvey – very few businesses. Enforcement is a very difficult thing – how does the Township determine there are more than four unrelated people? Historically, our present Township attorney has stated that it will be difficult to enforce. Our prior Township attorney, Mr. Summers, in writing talked about rental properties and calls them a commercial operation. In 2011, Jennifer Thum, previous Planning Director / Zoning Administrator had also addressed short term rentals. Mulcahey would like to know what the economic benefit to the community is. She sees a big negative. The Township is losing people – the rental properties don't bring census numbers. She feels we need to remember that we are a rural township for zoning. The legislation proposed for short term rentals moves slowly. People are dealing with short term rentals worldwide. Mulcahey stated she lives in a residential community and wants to stay in a residential community.

Linda Rossberg, 1975 M-28 East – commended the Planning Commission for wanting to

serve when issues such as these come up. Rossberg provided a handout, which was included in the packet under correspondence. She had provided this information, as she had the sense that there was not a lot of history out there, so she went back and gathered information – minutes, letters to the editor, and things related to the casino. For over 30 years there have been concerns about the water in that area. It doesn't matter what type of commercial business it is – the concern is the homeowners and the wells going dry. At one of the meetings she attended, a spokesperson from KBIC stated that their intent was not to take away the water from the people out there. She has been a homeowner on M-28 for over 28 years – there have always been problems – it not only is undrinkable, but the tannins stain clothes. They have water – just not good water. She went through the Master Plan to see where the Township is getting their information – it stated that the majority of people get their information by word of mouth and the newspaper. She felt that one of the major goals of the Master Plan was to protect water resources. She felt the way the questions were asked in the survey were kind of misleading, which may have led people to believe that there was a need for commercial development. She has talked to several experts that indicate they would not build in that area. She is not opposed to the Casino – she is opposed to development. She previously worked for MSU Extension, and she sincerely hopes that the Planning Commission will gather information before making a decision.

Tony Harry, 6369 U.S. 41 South – he started an ATV / ORV club in Marquette County. He would like the Planning Commission to look at the ordinance to allow ATVs and ORVs to ride far right on Marquette County roads and connected trails. He worked with the Planning Commission in Marquette Township, and was able to get approval from them, and to seek approval from the Marquette Township Board. They have changed their ordinance to allow ATV / ORV to use County roads from 7:00 AM to 10:00 PM. They are looking for a connection to get through Chocolay Township, and to be able to get gas and lodging. They have a trail by the Casino, but they are not able to connect to it.

Public comments closed.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Zoning Ordinance Rewrite

Staff Introduction

Mahaney read the background portion of the memo presented to the Planning Commission. There are changes that have occurred since the ordinance was written in 2008. Considerations were not included for some of the issues the Planning Commission is facing (short term rentals, extended growing season structures,

temporary structures, and alternative energy possibilities). In some zoning districts, there are large numbers of non-conforming parcels. Some sections are very lengthy and difficult for citizens to comprehend and comply.

Mahaney also read the staff recommendations that Throenle had presented as to the possible ways for the rewrite to occur. Three possible solutions are: (1) Planning Commission and staff take on the task, (2) budget in the next cycle for a firm or organization to complete the rewrite, or (3) retain the current ordinance and continue to make changes to the language.

Commission Discussion

Meister indicated that if a complete rewrite were going to be done, he would suggest having professionals do it. He would like to have some dollar amounts associated with this. Meister indicated that option 3 is like filling potholes, but the second option would be preferable.

Throenle indicated that the 2008 rewrite cost approximately \$16,000. His estimate for the 2018 rewrite would be around \$25,000. White asked who had written the 2008 ordinance – Throenle indicated he thought that CUPPAD had. Throenle indicated that he has no historical documents on this. He feels that there is a lot of ambiguity, zoning maps that need to be cleaned up, and language that needs to be cleaned up.

Throenle would need to put out a Request for Proposal (RFP) and specify the criteria such as number of town hall meetings, surveys, and the timeframe to accomplish. There would also be constant updates to the Planning Commission and Township Board. With everything else that is going on, Throenle does not see the Planning Commission being able to take on the rewrite of the Zoning Ordinance.

Mahaney feels that some of the challenges for the Planning Commission is that they do not always understand the language of the ordinance – this makes it very time consuming.

Mullen-Campbell feels that you would understand the ordinance better by doing it themselves.

Throenle feels there needs to also be some type of statement in our ordinance that allows the Planning Commission more flexibility.

Mahaney questioned the information that would be given to someone rewriting the ordinance. Throenle indicated we could survey people to see how we can balance all the inconsistencies in the Township.

Throenle indicated that now is the time, as we are going into budget planning for next year.

Meister feels that it is a good idea to have professionals rewrite the zoning ordinance. Smith agreed with Meister. Smith also indicated that the rewrite that Marquette Township did provided much more clarity. Mullen-Campbell also agrees

that a rewrite by professionals is a good idea. Kangas felt it was monumental, and he is in support of hiring professionals to do the rewrite. White (as a Township Board member) stated she has gone through the ordinance a number of times, and she feels that the ordinance needs to be simplified and clarified for easier use, and if a professional can do that, she is all for it.

White moved, Mullen-Campbell seconded, to recommend to the Board that monies be made available during the next budget cycle to fund a search for a firm or organization to complete the rewrite of the Zoning Ordinance by the end of 2018, with a requirement that the Planning Commission direct the process and input for the revised ordinance.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Review of Existing Ordinances – Ordinance 47 and 57

Staff Introduction

Throenle indicated that the purpose of bringing these two ordinances to the Planning Commission was based on a recommendation by the Board at the joint meeting in March. Ordinance 47 and Ordinance 57 were selected as they were one page ordinances.

Commission Discussion

On Ordinance 47 (Watercraft Speed), Kangas questioned if Throenle knew if Act 303, Public Acts of 1967 was still applicable. Throenle indicated that he would have to check into that. Kangas indicated that everything else in the ordinance made sense – his concern was referencing Acts that are that old.

Smith stated on Ordinance 57 (Bicycle and Snowmobile) that he believes to allow snowmobiles on a bike path there had to be an ordinance written in order to achieve funding to have a bike path with snowmobile access (with MDOT input).

Throenle indicated all he was looking for is Planning Commission input on if the language needed changing.

Mahaney wondered if Ordinance 57 was even necessary. Smith indicated that his understanding is that anytime you have a bike path over an MDOT right-of-way, there is a need for an Ordinance.

Kangas brought up the formatting on the different ordinances. Throenle indicated that in order to change the formatting, the ordinance would need to have a Public Hearing.

Meister moved, Kangas seconded, to table Ordinance 47 Water Craft Speed for review of reference to Act 303, Public Acts of 1967.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

Meister moved, Kangas seconded, to accept Ordinance 57 Bicycle and Snowmobile as written and to hold the recommended ordinance for a public hearing that will be scheduled in the future.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

C. Conditional Use Checklist

Staff Introduction

Throenle stated that at the last meeting, Smith had requested a checklist for reviewing conditional use permit requests. Throenle has attached a proposed checklist which incorporates the information the applicant must provide and the information outlined in Section XVI of the Zoning Ordinance regarding conditional use permits. This checklist would be used as part of the hearing process.

Commission Discussion

Mahaney asked about the 500' notification condition – Throenle indicated that is part of the checklist that is on the application.

Meister asked about guidelines for conditional use such as number of vehicles, etc. so the Planning Commission can be consistent. Throenle will work on guidelines for this.

Throenle asked that the Planning Commission accept this checklist, and be aware that as things come up, they can be added to this.

Kangas moved, Meister seconded, to adopt the Conditional Use Permit checklist as presented.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Planning Commission Priorities – 2017-2018

Throenle indicated that this was a minor change, but for ease of printing the agenda he would like to remove the priorities to a separate sheet, which will be included in the packet.

Kangas indicated he felt that having priorities on the agenda does not seem like the right place, but having them available as a separate sheet is a good idea.

Kangas moved, Mullen-Campbell seconded, to remove the priorities from the agenda and provide a list of priorities in the packet material, as referenced in VIII.A.1.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Mixed Use Corridor

Staff Introduction

Throenle indicated that he is looking for direction on the mixed use corridor. He is looking to see how he can condense the material.

Commission Discussion

Meister feels that some of the information can be combined.

Throenle indicated that he will plan on starting with the language at the meeting to go forward on this project.

Smith questioned the rezoning of St. James the Less Episcopal Church – who is responsible for the rezoning? Throenle indicated that property owners are retaining the right of refusal (even on the intended use). Meister indicated that this is the responsibility of the buyer / seller – either apply for a rezoning or wait until the mixed-use district goes into effect. It could become a condition of purchase when making an offer.

Smith feels that the rezoning that was done in 2008 is unfortunate, and it was not well publicized. Most people did not even know it was happening until it was done – not only in Chocoley Township, but most of Marquette County. Now residents are notified in writing if there is going to be changes.

C. Short Term Rentals

Staff Introduction

Throenle indicated that last month the Commission went through definitions of short term rentals, and these are presented in the packet. Throenle indicated that there are two bills that have been introduced into the House and Senate, with the same language, which are addressing short term rentals specifically. The goal of the bill is to make a blanket application which states that a short term rental is not a commercial use of property, but is a residential home, and should not be subjected to a special use or conditional use permit, or any different procedure from anyone else that lives in that same zone. If these bills were to go into effect, they would supersede anything we may have in place. Throenle is looking for direction from the Planning Commission on how to move forward.

Commission Discussion

Meister asked if this would take away any of the restrictions that the Planning Commission may put on short term rentals. Throenle indicated it would. Kangas stated it would take away any local control. Throenle stated that both bills were introduced at the same time from different areas of the state.

Mahaney felt it was prudent to wait and see what the State does.

White asked Supervisor Bohjanen (in the audience), if there was anything provided to him at the Michigan Township Association conference that he attended when he went to a session on short term rentals. Bohjanen indicated there was not anything provided, except for the fact that you need to have it spelled out in your definition and conditions. He feels that conditions are necessary. Bohjanen also indicated that the Township could still have restrictions when it comes to the health and safety of the residents.

Mahaney moved, Meister seconded, to table short term rental definitions until next meeting when more information may be available on the proposed House Bill (4503) and Senate Bill (329).

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

IX. PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – casinos, short term rentals, and now ORVs. She remembers the meeting three to four years ago and there was not much support at that time. She is also upset that the Commission did not deal with the short term rentals. The concept of short term rentals is already here – hotels, resorts. She is not opposed to short term rentals, she is opposed to short term rentals in Waterfront Residential. She is concerned about fences – would like the Commission to think about requiring surveys when people are doing buildings. When they bought their property, there was an issue of encroachment on one side which was not a problem, but on the other side the neighbor kept moving the survey stakes, along with mowing their grass to his satisfaction. Now they came home this past spring, and there is a generator adjacent to their house (electric with a gas line). An air conditioning unit has setback requirements, but not generators. This could become a safety issue if they would decide to put their driveway right on the property line (which is legal). She feels that people should be required to obtain a survey before they build, and asks that the Planning Commission discuss this.

John Wilson, 1987 M-28 East – was wondering if it is possible to offer to pay for his neighbor’s driveway in order to alleviate the problem of a shared driveway. Would he need a permit? Throenle indicated Wilson would need to speak with MDOT first. Once again, he offered assistance with short term rentals. Smith indicated that Wilson would also need to take a look at any easements that may be associated with doing this, and go through an attorney to make sure things are done properly.

Tony Harry, 6369 US 41 South – just wanted to let the Planning Commission know that he has a been a resident of Chocolay Township for 35 years, and has worked in the Marquette Public Schools for 33 years. He is a DNR recreational instructor. The education is getting out there, and he has taught many classes across the UP. He is trying to get a UP wide trail – he is trying to get a safe way to get in and out of Chocolay Township. He feels this would be a boost to the community with money being spent at local businesses. He is very familiar with the ORV program – grants and other things. He offered his assistance in making this happen.

X. COMMISSIONER’S COMMENTS

White - None

Mullen-Campbell – None

Kangas – None

Meister – None

Smith – None

Mahaney – Great meeting again. Thanked everyone for attending. Mahaney brought up that fact that during discussion on agenda issues, the discussion is for the Commissioners. The public has their time to speak on any of the issue during the two Public Comment periods.

The Commissioners asked about when they would be receiving tablets.

XI. DIRECTOR’S COMMENTS

Throenle updated the Commissioners on changes in staff – Sam Gerber has been hired as the new Assessor, starting on June 1, 2017. Kristin Cannoot is our new Administrative Assistant in the Clerk’s office who started May 15, 2017 – she will be involved with packet preparation, along with her other responsibilities.

The tablets have been purchased, but are not working as expected. As the new Community Development Coordinator, Suzanne will also be taking over responsibility for technology. We are working with Lasco to come up with some suggestions, and then will be looking at getting the necessary funding.

Next month there will be a Site Plan review on the agenda.

The Casino project is moving forward – they are now looking at connecting to the Township’s sewer service. There are still some issues to be resolved before they come to the Planning Commission for Site Plan review. There is still not a defined project plan.

Throenle would like to resolve the issues regarding some of the zoning issues that are happening in the Township. He would like to take this by quadrants. This would be in keeping with the Master Plan. The Planning Commission felt this would be a good idea.

Supervisor Bohjanen commented that in discussion with KBIC, it sounds like the speed limit change will start east of Kawbawgam.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – 04.04.17 Marquette City Planning Commission
- B. Minutes – 04.18.17 Marquette City Planning Commission
- C. Minutes – 05/01/17 Township Board Minutes
- D. Correspondence – Linda Rossberg 04.17.17

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 8:55 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 19, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:05 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Judy White (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Steve Lawry (Township Manager), Suzanne Sundell (Community Development Coordinator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Kangas and seconded by Smith to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

May 15, 2017

Motion by Donna Mullen-Campbell, and seconded by Smith to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Janet Amundsen, 2029 M-28 East – questioned the June 22 ZBA meeting and wondered if this was a private meeting, since only the people that are within 500 feet were notified. Attended Board meeting a month ago and is disappointed in her Township leaders. Questioning who is in charge of the Township. She feels that everything that has been KBIC related was not done in the proper order. Attended KBIC town hall meeting and feels most residents are more concerned about water storage and test wells, not the hotel, gambling, and restaurants as those will happen either way. She feels the bottom line is water quantity, not quality. She thanked the commission.

Deborah Mulcahey, 633 Lakewood Lane – She is upset that the agenda material was not available sooner than mid-morning. Short term rental have been a problem for 6 years, and now there are three new things on the agenda. Casino, wastewater – she wants to make sure that there is no cost to Chocolay residents. Site review on the storage units – need to look at lighting, vegetative buffer and fencing, acreage needs to be combined. Has a concern with 140 Carmen Drive - looks horrible and fence is not constructed on any portion – it is not behind Main St Pizza but adjacent. Need to be mindful of other residents. Short term rentals definition should be addressed.

Public comments closed at 7:15 pm.

V. PUBLIC HEARINGS

CU Permit 17-03 Daycare:

Dale Throenle reminded attendees that the current homeowners, Don and Lori Carlson, are applying for the permit and that they are not the ones who will be running the daycare. Read an email from the neighbor who lives at 130 Katers from Lance Gilliam. Question 1: Will the homeowners be living in the house? Answer: The owner/operator will be living in the house, the daycare will not be a separate business. Question 2: Is this a business that only the homeowners will run or will there be additional employees? Answer: The homeowners will run this business and there will be no additional employees. Question 3: Is there a maximum number of children that this daycare will provide for? Answer: Yes, the maximum number of children is 10. Throenle also read a letter that supports the fact that there is a need for additional daycare in the area.

PUBLIC COMMENT

Tina Brandel, 201 Terrace Street – she runs an in home daycare which is licensed for six children. She explained the difference between a center and an in-home daycare. She feels there is a definite need for this type of business. She explains that she has been running her daycare for 13 years and has a waiting list.

Mellisa Gilliam, 120 Katers Drive – wondered about the hours the daycare will be open. No problem with the daycare, she is concerned with her two dogs and the chain link fence that separates the property. She is worried that a child may put their hand through the fence and get hurt by her dogs.

Donna Marine – 150 Edgewood Drive – she bought property in a residential area and not one with businesses in it. Questions if there are restrictions or anything about running a business within a residential area. Mahaney stated there are within the Township Zoning Ordinance, such as home occupations, or in this case a Conditional Use permit, which is what the applicant is going through right now, that is the process to allow or deny the daycare. Marine went on to say she is unfamiliar with the process and is wondering how this works, vote on it? Mahaney replied that this is the process we are doing right here and we will vote on it tonight. There is a process, Conditional Use Permit turned in to Throenle, reviewed and then comes to the Planning Commission and the Commission will vote on it. Marine went on to explain that her whole adult life was spent looking after children and she came here to retire and she thought this was the kind of place where she could be free from that kind of thing and she wants it noted that she would not like the daycare there.

Abbey Lawrence – no address stated – she and Kyle Carlson are the ones that would like to open the daycare in the home after purchasing it. The business hours are primarily 7 to 5:30, licensing requires her to be compliant with state rules in order to keep her license, she has liability insurance and would like to put in a wood, privacy fence to

have a more appropriate barrier so there is no liability issue on her end. Lawrence stated she had thought about dividing the backyard to keep kids away from the neighbors with the dogs. Mahaney asked her if she has thought about the maximum children she would have. Lawrence responded that licensing does not allow her to have more than 12 children and that for the space she has she doesn't think that she would exceed 10. It depends on the age of the kids in the group. Meister asked if the fencing she is talking about is something she is planning on doing? Lawrence responded, if it's deemed necessary, absolutely and then follow the zoning ordinance to obtain that. Mahaney asked if the hours of operation are mandated by the state? Lawrence responded, no, that you choose hours when applying for a license and that it is safe to say that she will be licensed from 6:00 AM until about 5:45 PM, with main hours being 7:00 AM to 5:30 PM. Lawrence indicated they would not be open on the weekends and no evening or overnights. Mahaney asked if it would be open year round? Lawrence responded correct. White asked if Lawrence is applying for a day care center or a family day care? Lawrence responded that it is considered a group daycare. She is currently running a daycare in Gwinn and is zoned through Forsyth Township - she has been through this process before. Four of the five families from Gwinn are interested in coming to the new daycare and she has daily calls from people looking for daycare. White asked Lawrence if other than her own family would she have children there on weekends. Lawrence responded she is not licensed for weekends, and family is not considered as part of the daycare. Throenle interjected that children will not be outside before 9:00 AM. Lawrence stated that they will be courteous to the neighborhood and that they encourage children to behave. Mahaney asked if she will be working this alone or expect to hire? Abbey responded that depending on the ratio of children she can be alone with up to six children. Mahaney asked if Lawrence was planning on hiring someone? Lawrence responded she was. There was some discussion between Throenle and the Planning Commission on the hiring of employees.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Conditional Use Permit CU 17-03 Daycare

Staff Introduction

Throenle went through information that was presented in his staff comments in the packet.

Commission Discussion

Throenle indicated this is a home occupation, but falls under the home occupation of daycare. Daycare license under the State of Michigan, requires an additional employee after you reach six. This is part of conditional use, so there will not be a need for a separate home occupation permit. Under State law, Lawrence is required to have one or two employees. Meister asked for clarification on the location of the

privacy fence. Throenle requested that there be a condition of a privacy fence between 130 and 120 Katers. Mahaney stated that the Commission would like to add the fence condition as a requirement. He then asked Lawrence if she will hire additional employees. Lawrence responded that she plans on hiring two employees. Kangas asked if the State has a requirement on background checks. Lawrence indicated it does.

Meister moved, White seconded, that after public comment and staff review and analysis in consideration of Conditional Use Permit CU 17 03, and the understanding that the proposed use is compliant with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and the intent of the Zoning Ordinance, the Planning Commission approves Conditional Use Permit 17 03 with the following conditions:

(1) A six foot privacy fence be constructed between 120 and 130 Katers Drive.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

B. Site Plan Review – Hudson Storage Units

Staff Introduction

Throenle introduced the proposed storage units Hudson Properties at 110 and 120 Carmen Drive and read the description of the property. The proposed storage units will be located in a commercial district, the only residential district is to the south of the proposed units, which is LSS Manor on Cherry Creek Road. Both lots are non-conforming lots of record. Three storage units are proposed: one is 40 x 130, the second is 40 x 60 and the third is 40 x 120. Scott Swenor (UP Engineering) will be representing the engineering firm.

Applicant Discussion

Scott Swenor – UP Engineers and Architects – He lives in Chocolay, his partner Mark Daavettilla was pulled away and not able to be at the meeting.

Commission Discussion

Throenle directed Commissioners to section VII.B.4 and proceeded to walk through the site plan review checklist. Proposed snow storage is a concern. Swenor replied that it would be pushed between two of the storage units. Mahaney asked Throenle if there is a fence. Throenle replied that there is a silt fence. Kangas asked if that silt fence would be to prevent erosion during construction. Throenle recommended a fence as a requirement. Mahaney, suggested a fence on the back side with the storage units being 24/7 and housing units behind it - would give more privacy. There is not much of a buffer there for the trees, maybe fence should extend all the way, access from the back. Milton interjected, there is an existing building there and would not want snow pushed over the line and affecting drainage with the existing building. Throenle directed the Commission to a graphic to show where buffers and

fence could be placed. Some of the tree line may be preserved. Throenle suggests that leaving trees could be requirement along with the fence. He also indicated that storage units typically do not generate a lot of noise but car lights could be a problem, however, tree buffer and a fence could diminish that. Kangas questioned plan sheet C103 as he is trying to figure out the contours. Meister asked if we have the authority to require a fence, Mahaney said to approve the site plan, he believes we do. He asked if there would be any utilities, Swenor replied that if there are any lights they would be downward facing. Swenor asked if they could move buildings closer to Carmen Drive to allow more space in the back for a buffer to leave more trees. Mahaney stated setbacks are already at the limit. Smith asked about storm water retention required. Throenle commented that the silt fence is there during construction, the storage units are drive in and drive out, not looking at a whole lot of water, just snow removal. There was some discussion on access. Throenle suggested that access could be a requirement. Swenor asked if the two lots could be combined to allow two buildings. Mahaney responded there was no approval for that. Throenle indicated we would need to pull this site plan off the table if that were the direction the engineers were going. Swenor responded that he withdrawals that idea. Smith would like storm water retention because the new buildings with metal roofs will be creating a lot of run off. Meister asked if the ditch would affect the property owner. Mullen-Campbell questioned where LSS Manor pushes their snow. Mahaney asked Throenle if they could approve it with conditions, as there was concern about the six foot strip on the east side of the large building, especially if that was sold separate without a permanent easement from Hudson? The Commission would like to see the easements, snow removal, storm water retention, privacy fence and buffer issues addressed at the next meeting.

Meister moved, Kangas seconded, to table the Site Plan Review to either the July 6, 2017 Special Meeting or the July 17, 2017 Regular Meeting to allow the applicant to address concerns of the Planning Commission.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

C. Site Plan Review – KBIC Casino Remodel / Expansion

Staff Introduction

Throenle began the discussion by adding a letter sent from Gundlach Champion regarding landscaping, which Mahaney read. Throenle confirmed that each member of the Commission received the detailed plans. Throenle stated that there are representatives from Gundlach Champion and KBIC in the audience. Throenle described the expansion to include a hotel, restaurant, entertainment venue, casino expansion which is on the tribal trust land, as well as a conference center. The lot size, currently a parking lot, is 21.59 acres; he also provided a description of adjacent zoning districts and land uses. Throenle showed a graphic while describing the land and describing the moving of three homes to a residential site, the location of the new road, hotel, entertainment center, water tower and casino. The casino

expansion is on Tribal trust land and is not up for discussion tonight. The fire department will have access to the new water tank.

Applicant Discussion / Commission Discussion

George Meister, project manager, GEI Consultants (Scott Richards; for water questions) G. Meister proceeded to go over the drawings which are part of the agenda materials. He highlighted the MDOT plans for acceleration/deceleration lanes for entrance and exit from the casino. These are decided by MDOT, not the Township or Casino. The eight-foot wide shoulder will become a two-foot wide, paved shoulder with a two-foot wide gravel shoulder. All permits will come through MDOT. He then described the new entrance and parking lot and he feels that about half of the residential traffic from Kawbawgam will use the new route and should reduce traffic on Kawbawgam. He discussed the utilities, specifically the elevated water storage tank and pump house as well as the three test wells. There will be a new hydrant that will be specifically for the fire departments use. He addressed the concerns regarding water quality and quantity with the three test wells, the water is not coming from a basin, the water is coming from water that is moving north to Lake Superior. The pump tests have shown very little impact on the surrounding area. After an eight-hour test, one of the test wells went down a quarter of an inch. The projected peak use will be 132 gallons per minute, giving a pump capacity of 264 gallons per minute. Milton asked if that is all three wells together – Richards stated it was. Mahaney questioned how long they have been testing the wells. Richards replied that they have been tested for eight hours, the initial test was to consider impact to see where the test wells should be sighted and the goal is to turn the test wells into production wells. Once permitted, Mahaney asked if the wells have to meet a certain State requirements. Richards stated yes, as they are type 1 water supplies. Mahaney questioned if the preliminary tests were felt to be adequate. Richards replied he does – they have done a lot of exploratory wells. There was a question from the audience on recovery. Richards stated that they came right back. Once the final permit test is done that information will be available. Mahaney asked if the State is there during the testing. Richards replied no, but the information would be submitted to them. Mahaney asked about the abandoned well on the plans – wondered if this is the existing well. Richards replied there are two wells, and both wells will be abandoned. Richards stated that the new wells will not have any residents to the south - nothing developable there. Throenle interjected to show in the graphic where the wells are. Mahaney asked if there will be monitoring wells to the south and if they are required? Richards replied that they are not required at this time, but it is highly recommended. If it is shown that the wells are drawing down the wetland then they are required. Smith asked if there are multiple aquifers out there? Richards replied that the wells are non-confined aquifers. They are not in the sandstone, they are in a layer between the clay lens and sandstone. Milton asked if they use screens? Richards replied screening coarse medium clean sand. Mahaney asked how deep the wells are? Richards replied that from the bottom of

the casing they are 100 to 110 feet for all three. Kangas asked Scott to cut to the chase - will the DEQ permit these wells? Richard replied that he thinks so and that they there is a lot of money invested in this and that they have been very cautious. Kangas stated that there are enough concerns out there and he thinks it's definitely warranted. Mahaney asked if the DEQ approval that Kangas mentioned going to happen before construction. G. Meister replied that it has been permitted along the way and then at the end they will need a final permit. Mahaney asked to go back to the highway and asked if they feel that with the new entry and exit if the two-foot paved shoulder is adequate with the new speed limit. Mullen-Campbell interjected that the speed limit change is proposed east of Kawbawgam. Throenle confirmed that the change is well past Kawbawgam. Kangas asked Township Manager, Steve Lawry (in the audience) about the exact location. Lawry stated, that MDOT has been asked to take into consideration the pedestrian traffic and the campground that is out there, but they have not determined the exact location yet other than it will be east of Kawbawgam Road. Kangas stated that MDOT is listening. Mahaney's concern is with the acceleration lane and the two-foot shoulder, that it is not much of a buffer with people walking or biking. G. Meister replied it is up to MDOT. Mahaney thinks it would be prudent to bring it up to KBIC because with the speed limit change people will not immediately slow down from the speed of 65, so two feet is not much of a buffer for non-motorized traffic. G. Meister replied that they will review it. Mahaney responded that with the push that Marquette County has with non-motorized he sees that area being used quite a bit and with the Heritage Trail just to the south of it, there are people using it - it would be prudent to enlarge the shoulder. G. Meister responded that he agrees with that and widening it to five feet. Milton asked if there would be any access for private homes to tie into water? G. Meister replied no. G. Meister indicated the other item to note on the public utilities is the sanitary sewer. It will be a combination gravity and forced main sewer, and the receiving system looks to be able to handle that. Looking at the design, the line would be turned over to Township once completed, allowing residents to tie into the sewer. He sees that being a bonus to this project for the residents. Mahaney questioned if this would run alongside the highway. G. Meister responded it will be on the right of way. Mahaney questioned when this would begin. G. Meister responded that would probably be a next year project – not fully designed yet. Milton asked what size pipe they would use? G. Meister responded they would start with eight-inch and it would vary as they go. Milton if this is an eight-inch forced main. G. Meister responded that the forced main would probably be more in the size of four-inch. Mullen-Campbell asked, what the average depth of residential wells in the area. Throenle responded roughly about 40 feet. Mullen-Campbell questioned if the KBIC deeper well would drop the level of their wells. G. Meister indicated it would not. There was a question on what the capacity of the storage tank is. G. Meister replied it is planned to be 75,000 gallons as of right now and a big part of that is for fire suppression needs. This will also be used for the casino. Mahaney asked if they are pretty confident on their construction schedule. G. Meister replied yes, the tentative start date is July 24th and

that is based on getting the remainder of the permitting process complete. Most of the big construction should be done by the end of September of next year and by the end of 2018 that will be pretty well wrapped up. There was some discussion on storm water, retention basins, and snow removal. Throenle asked G. Meister to address lighting. G. Meister commented that it will be a down lit style light. He referred to the packet and that it shows lumens etc. It will not be like a Walmart, it will be designed with modern features. It was stated that our ordinance requires that type of lighting. Throenle commented about the dark sky concept. Commissioner referred to the letter we received and asked about the tree being planted in each parking island along with a light, is that going to be an issue. G. Meister replied, no, it is in accordance with the ordinance. Kangas asked if we can recommend approval of this site plan contingent upon receipt of all state permits - wells, public sewer, MDOT permit. G. Meister responded that holding off construction until all permits are through is not realistic.

Commission Discussion

Kangas asked how the motion should be stated with permits not being complete. Mahaney asked if the sewer has been approved and if permits are issued through the Township. This is permitted through the DEQ. Mahaney commented that we don't know if that will happen. Questioned if there would be a reason the Township would not take ownership. Manager Lawry responded that the Board has addressed that issue, but at this point if the DEQ denied this they would have to suggest another way. This is the way the DEQ has suggested it be done. It may take a while. Mahaney asked Lawry if he thinks the permitting will happen. Lawry responded yes. Kangas indicated he thinks we should hold them to the promise in the letter we received today on proper screening on the east side with the fence and mixture of plantings. Mahaney asked Throenle if the landscaping would have to be specified? Throenle responded, yes. Milton asked what the street address is - Throenle responded 105 Acre Trail.

Before the vote, E. Meister indicated his relationship with G. Meister – he has no financial interest in the business. The Planning Commission indicated they had no problem with E. Meister voting.

Mahaney moved to approve with conditions, Kangas seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-35 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- (1) The letter dated June 16, 2017 regarding landscaping issues is part of the accepted site plan review.*

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

VIII. UNFINISHED BUSINESS

1. Mixed Use Corridor – moved to July 17, 2017 agenda
2. Short Term Rentals – moved to July 17, 2017 agenda

IX. PUBLIC COMMENT

Deb Mulcahey, 633 Lakewood Lane – commended the Commission on thorough review of the project. Regarding the Casino, she expressed her dissatisfaction with the timing of the information being available to the public. Suggestion to G. Meister she would like them to use native seeds and plantings. Right of way is a safety issue heart and she would like proper signage, especially for people from out of the area. With water quality, it was mentioned there is very little impact, but she feels there should be no impact. She is very concerned about the water.

Mark Maki, 370 Karen Road – commented about the public hearing, Mahaney corrected him that it was a typo error. Site Plan Review should be submitted 30 days prior, does not believe the timeline was followed. Maki also feels the zoning ordinances have not been followed. Water issue should have been part of the rezoning. Feels no one cares. No letters from fire department, police department, county health department, DEQ, state highway dept. Feels they should have approved it. Private road discussion, commercial driveway and he will put those in writing.

Janet Amundsen, 2029 M-28 – widening of the highway, wondering what side of the road the space will come from? She would like it to come from the KBIC side, not the lake side. Wants to know if the plans were available to the public, and if so where would she be able to see them. Throenle responded yes, but that we currently do not have a scanner to accommodate that size of paper, however, the plans are listed as part of the agenda materials. She attended the town hall meeting and wanted a copy of the plans instead of a goodie bag.

Jennifer Misigan – VP KBIC – She would like to thank everyone for their due diligence. She apologized to Janet for not having a copy of the plans available for her. Their intent is to be really open with the community and transparent and to be good neighbors.

Public Comment Closed

X. COMMISSIONER'S COMMENTS

White – Mark was right - plans should have been submitted 30 days prior to the meeting and it wasn't. Throenle interjected that they were. White stated that she was looking at a date of May 31, the day it was signed. Throenle responded that it was a supplemental document and the original was submitted May 18. Throenle indicated on it was on the first page of the application, VII.A.1.

Milton - none

Mullen-Campbell – wondered if there was an attorney on staff.

Kangas – withhold my comments

Meister – none

Smith – none

Mahaney – Thanked the Commissioners

XI. DIRECTOR'S COMMENTS

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – 05.02.17 Marquette City Planning Commission

B. Minutes – 05.16.17 Marquette City Planning Commission

C. Minutes – 05/15/17 Township Board Minutes – Special Meeting

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:00 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES
SPECIAL MEETING**

Thursday, July 6, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Kangas to approve the agenda with additions; change the day of the week from Monday to Thursday.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

None to approve – minutes for the June 19, 2017 meeting will be on the agenda for the July 17, 2017 meeting.

IV. PUBLIC COMMENT

Lynn Staubin – Property manager at 201 Cherry Creek Rd – Expressed her concerns about the Hudson Storage Units; questions about snow removal, ice forming in parking lot as snow melts (there are elderly residents), rain water run off onto property, requested for downcast lighting requested, fence to be pleasant to look at and easily maintained, leave as many trees as possible to form a natural buffer.

Deborah Mulcahey – 633 Lakewood Lane - Expressed concerns about the Hudson Storage Units, not a good neighbor, Hudson junk, (clean up their mess), water retention, mosquitos. Feels that the minutes are not reflective of public comments, feels she was treated inappropriately at the last meeting. Feels Meister should have recused himself from Casino project vote. Concerned about the Casino and water quality and quantity. She is wondering what the impact of the Dutch Campground will be on residents.

Sherry Nelsen – 1849 M28 – Expressed concerns about water from the original casino construction, she had to put in a new well, wants an answer about water. Mahaney informed her that it was all addressed at the last meeting.

Dalia Pavalkyte – 1943 State Hwy M28 – Concerned about expansion of the highway, water and that the highway expansion will be too close to homes.

Mark Daavettila – UP Engineers and Architects – Asked if he could be part of the

Commissioner's discussion regarding Hudson Storage Units later in the meeting. Commissioners approved that.

Connie Barto – 1951 State HWY M28 E – Concerned about highway regarding entrance to casino, brought up previous developments, wants to know where the water for the tower is coming from and what effect it will have. Concerned about casino expansion.

Frank Somerset – Cottage on M28 – Discussed the poor water quality, low water table, he wants the casino to replace his well so he has clean water.

Mark Maki – 370 Karen Road – KBIC issues; He feels that the new commercial entrance goes across residential zone. Water tower, view of it should be part of the site plan review. Talked about what zoning should be doing. Discussed the Hudson development easements; need to amend the plat.

Andy Larsen – 130 Carmen Dr. WHWL FM – He supports the Hudson Storage development, but wants trees on the west and north left as a barrier as he is concerned people will drive across WHWL property.

Linda Rossberg – 1975 M28 E – Concerned about water quality/quantity, referenced a letter from Governor Snyder requesting further dialogue with KBIC in regard to the airport site (letter dated April 22, 2016), litigation if wells are negatively impacted, lives in a residential area and does not want commercial.

Public Comment Closed at 7:30 p.m.

V. PUBLIC HEARINGS

Deferred to VII.B.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Site Plan Review SR 17-35 – KBIC Casino Remodel / Expansion Vote Rescind

1. Staff Introduction - Throenle requests the vote be rescinded. Throenle accepts responsibility for the clerical error.
2. Applicant Discussion - None
3. Commissioner Discussion - None

White moved, Milton seconded, that the Planning Commission rescind the vote taken on June 19, 2017 in regard to site plan review application SR 17-35 as the application did not meet the minimum thirty day submission date requirement found in section 9.1 in the Township Zoning Ordinance.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

B. Site Plan Review SR 17-35 – KBIC Casino Remodel / Expansion

1. Staff Introduction – Throenle addressed public comment regarding the 500' notification requirement and the MDOT highway easement; No personal property will be taken for the expansion, it will all be on the State easement. He told the audience that at the June 22, 2017 ZBA meeting the hotel and water tower were both approved. Throenle used a graphic to show the audience and Commissioners where everything is located and which parts are zoned commercial and which are zoned residential.

2. Applicant Discussion – None

3. Commission Discussion – Kangas asked if the existing wells will be abandoned. Peter Dupuis, Gundlach Champion, answered that three wells will be abandoned.

Mahaney asked about the depth of the existing wells. Dupuis responded, he does not know, they are 50 gpm, the new wells are 132 gpm and are 100' to 120' deep and they have been monitored by Chuck Thomas from the DEQ. Dupuis reiterated the well information from the last meeting and that no water will be taken from residents. The well field development will begin next week and on July 17th the final eight hour test required by the DEQ will be conducted. Mahaney inquired if the final well test needs to be approved by the state. Dupuis responded, yes.

Throenle addressed the sewer line that KBIC will be building. It is on an MDOT easement, the casino will pay for the construction of the sewer line and will then be a customer of the Township when the Township takes ownership of the sewer line. This will only affect the residents who choose to hook up to the new sewer line.

An audience member asked about security at the casino. Don Wren from KBIC addressed security issues and explained that KBIC has a full time police force.

Meister brought up a possible conflict of interest as his son works for GEI and is involved in the casino project. The Commissioners all agreed that there is no conflict of interest and value Meister's input in this decision.

Kangas expressed a concern over the 30 day paperwork requirement regarding the clerical error and would rather follow a democratic process than a bureaucratic process. Kangas suggested the timeline be amended for future meetings to avoid wasting time. Kangas stated that the Commission will follow the process as required for this particular meeting. Meister suggested it be added to a future agenda to correct the timeline. White and Milton agreed. Milton brought up the fact that the Commission approved the site plan before and he is in favor of approving it tonight. Meister stated that there is no new information.

Kangas reiterated Throenle's statement regarding the highway; that MDOT has the final say. As a Commissioner, Kangas would not recommend something that was not safe and feels it is not the Commissioners place to decide how the highway should be done. Highway safety has to prevail in that situation.

Kangas moved, Mahaney seconded that after staff review and Commissioner

discussion, Site Plan Review Application SR 17-35 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following condition:

- *The letter dated June 16, 2017 regarding landscaping issues is part of the accepted site plan review.*

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

C. Conditional Use Permit CU 17-04 – Dutch Homes, LLC Campground

1. Staff Introduction - Throenle addressed an error that has led to the CU permit for the campground showing up on tonight's agenda; if approved, the Commission will proceed directly to the site plan review. Mahaney asked if the green area on the map in the packet is AF. Kangas asked if the area shown had been previously prepped as a golf course. Throenle responded yes and then showed a graphic to clarify the location of the proposed campground for the Commissioners. Throenle stated that there are two concerns regarding this particular location; 1. The residential property to the North and the potential development of said property. 2. The entrance to the property comes directly Chocoley Downs Rd. Throenle stated that the campground would have to be licensed by the State of Michigan before opening.

2. Public Hearing Open at 8:15 p.m.

Mark Maki – 370 Karen Road – Asked if there is a site plan available. Mahaney stated that site plan review comes next. Commented on conditional use requirements; garbage, police, fire, trash and traffic, type of road, impact on river, wetlands and natural characteristics. Maki proceeded to tell the Commission how he feels they should interpret the conditional use permit.

Deborah Mulcahey – 633 Lakewood Lane – Concerned that while looking at the map she could not figure out where the Chocoley River is, is it in a flood plain, flood zone. Concerned about traffic and passing lanes for casino. Discussed calling of a meeting in under 30 days and wants the public to have 30 days to review items.

Public Hearing Closed at 8:20

3. Commission Discussion -

Milton is asking for clarification on tonight's process. Mahaney explained that the Commissioners can approve the conditional use permit to allow a campground and then deny the site plan if they feel it is unacceptable. Milton asked if this was applicable to this AF parcel. Throenle responded, yes. Meister stated that usually conditional use and site plan are discussed together. Throenle responded that tonight they are separate. Meister asked what recommendation the Commission gave to Mr. Smith the last time he came to this body for advice and direction. Throenle responded, Smith was told he needed rezoning approval and prove that he has access to the parcel through an easement. Meister stated that if the Commission is just approving conditional use then it meets the requirements, well isolated and buffered. Meister and Mahaney both question the road and traffic, however, feel it is more part of the site plan. Milton states that it is

Consistent with the area. Mahaney states that it is a large enough parcel and questioned the squiggly line. Throenle stated that is the Chocoley River and that it shows up that way on the map as the southern border of the property. Mahaney asked if the campground needs a DEQ permit. Throenle stated yes and they need to have a State of Michigan operator's license as well. Meister asked what the distance from the campground sites to the river. Al Conrad, project manager, stated half a mile. Meister asked what the setbacks from the camp sites to the property line are. Conrad responded 100 feet.

Meister moved, White seconded that after public comment and staff review and analysis in consideration of Conditional Use application CU 17 04, and the understanding that the proposed use is compliant with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and the intent of the Zoning Ordinance, the Planning Commission approves the Conditional Use Permit 17 04.

Vote: Ayes: 6 Nays: 0

MOTION CARRIED

D. Site Plan Review SR 17-34 – Dutch Homes, LLC Campground

1. Staff Introduction – Part of the Commissioner discussion
2. Applicant Discussion – Part of the Commissioner discussion
3. Commissioner Discussion –

Mahaney stated that the campground parcels look close to the property line. Conrad stated that the road is twenty feet off of the property line and the campsites are thirty feet. Mahaney asked how far from the northern boundary line south to the campsites; where the tail end of that camper would park. Conrad discussed the two way road. Mahaney asked what the proposed road surface is. Conrad stated that NMU insisted on gravel. Meister commented that it seems that would create a dust problem by the cart sheds. Conrad stated that there is continuous traffic there already from the golf course. Kangas asked where the road would travel. Mahaney asked if Conrad is responsible for that road. Conrad stated they are responsible for the easement and that they maintain NMU's roads. Mahaney asked if NMU is aware of the development. Conrad responded yes and the easement was moved 700 feet at Conrad's expense with NMU's approval. Mahaney asked if NMU was notified. Throenle responded, yes and then showed on a graphic the other properties that were notified.

White asked if they are just providing electrical for the campground sites. Conrad responded, full hookup with electrical and water and then discussed the well and a pumping test. Mahaney asked if the well pumping test was monitored by the DEQ. Conrad responded that it was monitored by McDonald Well Drilling and the information was forwarded to the health department which supplies the DEQ with all of their data. Meister asked if all water needed final approval by the DEQ. Throenle responded yes. Mahaney asked about NMU not allowing ATV's on that easement. Conrad responded, yes and that they are discussing an easement with KBIC. Throenle addressed the

Commission to let them know that ATV/ORV discussion should not be on the table at this time as Chocolay does not allow ATV/ORV traffic in that area. Throenle added that within the campground they may use ATV's / ORV's.

Mahaney asked if there are any concerns for Conrad for the residential property to his north, specifically fencing. Conrad responded that the property is currently vacant and that there is a natural ten foot barrier of jack pine and that if need be in the future they would put up a fence. Mesiter commented that a well planted tree line is a better barrier.

Meister asked about traffic and if it is an MDOT responsibility. Throenle addressed public concerns regarding the amount of traffic entering and existing off of M-28 as there will be 91 sites. The campground is open May through October, therefore, traffic is only a concern during those months. The Commissioners discussed other campgrounds and their lack of entrance/exit lanes to the campground. Milton asked about a sign. Throenle responded that is a different issue. Mahaney asked how MDOT could be involved. Throenle suggested that Kangas put it on the 41 Corridor group's radar. Kangas responded that he would run it by the group. Conrad discussed that the campground would be promoted as a seasonal rental so there is not so much in and out. They plan on utilizing a Pure Michigan DOT sign. White asked the name. Conrad responded, Stay and Play.

Throenle addressed the fact that this is a unique situation as the entrance goes through a residential area. Conrad stated that there are eight to nine homes. Meister stated that the residents chose to build on an entrance road to the golf course and are familiar with the traffic. Kangas stated that the campground traffic is usually safer, slower traffic than what you have on the highway. White is all for it and for developing in that area. Meister is concerned about the dust by the clubhouse, but if NMU requested it he is ok with it. Milton asked if they will have home brew like Gitchee Gumme. Conrad stated that on the site plan there will be a home brew, there will be a drain field and septic tank and that the soil analysis shows great sand that is very permeable. Kangas questioned the location for the waste. Conrad stated that the bar would be 150 feet from it.

Mahaney asked if the campground will be completely shut down October through May. Conrad responded that water will be shut down prior to the first freeze. Throenle stated that no matter what it will close by October 31, freeze or not. Mahaney asked about people being able to access it year round. Conrad stated that there will be a gate for people wanting to use it as a day camp with no water and they will not plow through the winter. Throenle addressed the ninety day maximum to live in an RV. The Commissioners discussed it and after Throenle researched the ordinance, it does not apply to campgrounds.

White moved, Kangas seconded that after staff review and Commissioner discussion, Site Plan Review Application SR 17-34 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following condition:

- *Proof of final DEQ licensing and approval*

VIII. UNFINISHED BUSINESS

A. Site Plan Review SR 17-33 – Hudson Storage Units

1. Staff Introduction - Throenle stated that the Site Plan is pretty much the same, the difference in this particular application is the redesign as requested by the Commissioners at the previous meeting regarding snow removal, lighting, run off, storm water, fencing, easements for eastern storage unit and security.
2. Applicant Discussion – Part of the Commissioners discussion
3. Commissioner Discussion –

Mark Daavetilla, UP Engineers and Architects, questioned the easement. Mahaney responded that it is important and that if that parcel would be sold without an easement the new owner has no access. Mahaney stated that it looks like they are trying to cram as much as possible on the space. The building should be shifted over to eliminate the problem. Daavetilla feels that the access easement would be up to the future buyer to deal with that. Milton stated that it is a legal document that is submitted to the county that allows that parcel to be accessed. Daavetilla hopes to have everything approved and the access easement as a contingency. Mahaney addressed the concerns from the last meeting; the fence along the south side and that the land owners from the west and south expressed their concerns at tonight's meeting regarding fencing, natural barriers of trees and water retention. Mahaney stated that he drove back there and that the property line is right on top of the group home and that all water is going in that direction. Daavetilla stated that there are some trees being kept as they are outside of Hudson's property line and he addressed that the lighting will be downcast and attached to the buildings for security. Mahaney questioned lighting. Throenle stated that it is not part of this site plan review.

Meister asked if there will be a ditch along the southern property line for storm water. Daavetilla responded, yes, all of the storm water will go to the basin. White directed the Commissioners to C103. Daavetilla asked if there is a storm water, snow removal ordinance that he can refer to. Mahaney stated that it is a concern for the existing neighbors and that the southern lot line drops toward the group home. Throenle addressed the aesthetic aspect more than zoning and that the property division should have adequate buffers.

Daavetilla stated that as undeveloped property, all of the snow and runoff melt away anyway. Mahaney stated when developed there will be hard surfaces such as metal roofs, and paved surfaces that will cause the melting snow and water run off to go directly south instead of being partially absorbed into the ground. Daavetilla stated that they went with a five year storm.

Milton asked the height of the snow pile. Daavetilla does not know and continued to ask for an ordinance to refer to. Kangas states that he sees the attempt being made to

remove water properly, but it is not adequate in his opinion. Mahaney stated that snow removal is always a guess. Kangas asked how often snow is removed. Mahaney stated, after a snow storm. Meister asked if the five year flood plan accounts for just the buildings or does that cover the gravel areas. Daavetilla responded top soil and gravel.

Mahaney states the concern for a fence to give privacy to the group home Daavetilla asked if the fence would be for screening, privacy and security, or headlights. Kangas replied that it would be a visual buffer between the zoning districts. Milton stated it would be to make sure the snow stays on their property.

Kangas wants to recommend it with three conditions. Kangas wants the easement, fence and curbing. Mahaney wants to deny based upon conditions and bring it back with a proper site plan. Commissioners Meister, Kangas and Mahaney discussed what a proper site plan would entail. Daavetilla stated that they want to be good neighbors and would provide what is required or desired and then brought up the access easement. White asked the possibility of going from three buildings to two. Mullen-Campbell suggested an L-Shaped building. Mahaney stated that those suggestions would eliminate the easement problem.

Throenle stated that the easement needs to be in place prior to construction. Milton said it would have to be done through a surveyor or lawyer. Daavetilla feels that an easement can be obtained in twenty minutes. Throenle stated that has to be a legal document and to go through filing in the courts. Kangas stated it has to be recorded. White interjected, recorded with the county. Discussion of changing plans, Daavetilla stated that would require new building permits.

Daavetilla stated that Hudson wants to use some of the storage units for personal property. Kangas stated that he gets what Hudson is trying to accomplish and if it means the mess will be cleaned up it gives him more incentive to see this project happen, however, the issue is the surrounding properties and considering this development as if it were separate ownership; it needs to be looked at long term. Mahaney suggested moving the building over. Daavetilla stated the plans are not changing.

Kangas moved, Milton seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-33 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- *Proof of access easement on parcel 52-02-440-002-00 or moving of the building to accommodate the same*
- *Provide screening by way of fencing on the south property line*
- *Curbing or bollards along the west property line to restrict traffic from continuing westward off the property*

Vote: Ayes: 3 Nays: 3 (Mahaney, White, Mullen-Cambell) MOTION FAILED

Further Commissioner discussion; Mahaney stated we have a tie and questioned Throenle as to what happens next. Throenle informed the Commissioners as to how

they may proceed. Mahaney's comment is that he is not opposed to the use of the property, he is opposed to the design. White and Mullen-Campbell both agreed with Mahaney. White feels it should be developed. Mahaney feels it is being crammed and would be a burden to surrounding properties and the lack of an easement is a glaring error on the site plan.

Daavetilla questioned if the Commissioners may deny based on the fact that they do not like the design. Mahaney interjected, the lay-out, not the design. Throenle informed the Commissioners that they may deny based upon specific reasons listed so the applicant may address/correct them in order to move forward. Daavetilla feels all of the requirements have been met and that the vote should be based on that, not whether the Commissioners like the look of it. Throenle cautioned the Commissioners that in order to deny the application, there needs to be specific reasons. White stated if we do not like the design it is not a good enough reason to deny. Throenle stated, yes. White stated she will change her vote. Throenle stated that the motion needs to be restated with new wording and a new vote.

Meister addressed the five year storm and that we need to trust that the engineers are accurate. Daavetilla stated that the engineers have met all of the specifications. Mahaney stated he still has a problem with how close the building is to the property line and would like to see a new site plan. Mullen-Campbell asked about lighting. Meister stated that lighting needs to meet Township standards. Throenle stated that the lighting ordinance requirements are quite extensive. Kangas is in support as long as the easement is completed prior to construction, natural tree buffers remain and would not need to see anything else except restricting traffic to the west.

Throenle and the Commissioners discussed options and rules to approve, deny or do a new motion.

Milton moved, White seconded, that after staff review and Commissioner discussion, Site Plan Review Application SR 17-33 is approved in accordance with the standards outlined in Section IX of the Zoning Ordinance, with the following conditions:

- *Proof of access easement on parcel 52-02-440-002-00 be obtained prior to proceeding with the construction of the storage buildings*
- *Bollards or some sort of traffic control device on west to keep cars from accessing the property next door*
- *Fence or barrier to south to give the appearance of a screen including trees*
- *Downcast lighting*

Vote: Ayes: 5 Nays: 1 (Mahaney) MOTION PASSED

B. Mixed Use Corridor – moved to July 17, 2017 agenda

C. Short Term Rentals – moved to July 17, 2017 agenda

IX. PUBLIC COMMENT

Mark Maki – 370 Karen Road - Discussed the easement and how to obtain one. Brought up the KBIC driveway across residential zone. Talked about amending the plat for an easement. Mahaney questioned Maki, won't their lawyers tell them that. Maki responded, lawyers will let them do whatever they want. The township needs to tell them what to do.

Deborah Mulcahey – 633 Lakewood Lane – Pleased with review of project and asked what happened with Jet Black and how poor it looks; fence is still not constructed. Related to that, she brought up the casino and water issues. She feels that those questions and issues were not addressed. Storage units should have vegetative buffer along the fence on the outside so the public sees the vegetative buffer.

Public Comment Closed at 9:55 p.m.

X. COMMISSIONER'S COMMENTS

Milton – None

White - None

Mullen-Campbell – She is learning fast

Kangas – None

Meister - None

Mahaney – Inquired about the tennis court project. Throenle responded that the tennis court project has a DNR Passport Grant and needs more money to finish the project. Mahaney asked if it will come to fruition. Throenle responded, yes. Mahaney asked about the tablets. Throenle responded that they will be coming, however, no date yet.

XI. DIRECTOR'S REPORT

Next meeting July 17th

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

None

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 10:00 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES**

Monday July 17, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:05 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Kendell Milton, Jon Kangas, Judy White (Board)

Members Absent: Andy Smith (Vice Secretary)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Kristin Cannoot (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS /APPROVAL OF AGENDA

Motion by White and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes 6 Nays 0 MOTION CARRIED

III. APPROVAL OF MINUTES FROM LAST MEETING

Monday, June 19, 2017 Planning Commission Meeting

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

Vote: Ayes 6 Nays 0 MOTION CARRIED

IV. PUBLIC COMMENT

Jenny Camerata – 669 Lakewood Lane – Opposed to short term rentals when homeowner is not present, however, she is ok with renting a room.

Deborah Mulcahey – 633 Lakewood Lane – She is not opposed to short term rentals, but to where short term rentals are allowed. Asked if short term rentals are conditional use or carte blanche. She wants all of her comments as part of public record. She commented on zoning history. Her opinions on short term rentals included concerns about decrease in affordable housing, decrease in housing values, elevated prices for property, they are a commercial operation and they are an economic disadvantage.

Mark Maki – 370 Karen Road – Commented on the Township’s lack of enforcement. Proposed language for short term rentals lacks a focus.

Discussed the way Commissioners should do things. He stated that short term rentals should not be allowed in R1 and WFR zones. He commented that Jennifer Thum's township emails were intentionally deleted.

June Rydholm – 221 Lakewood Lane – Concerned with short term rentals using beach, families bringing tents and trailers when no homeowner is present. Feels it is dangerous with dogs, noise, beer parties. Township should watch who is buying property.

Peter Ollila – 633 Lakewood Lane – He is opposed to short term rentals and they need to be enforced.

Lori Krzymowski – 741 Lakewood Lane – She does not want short term rentals in her neighborhood because of the disruption from renters. Doctors live in the neighborhood and they need sleep and a good quality of life. She does not want short term rentals allowed anywhere, if they are allowed they should be limited to a certain area and have hard wired smoke detectors.

Stepanie Gencheff – 597 Lakewood Lane – She is opposed to short term rentals less than thirty days.

Public Comment Closed at 7:25 p.m.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

None

VIII. UNFINISHED BUSINESS

A. Mixed use corridor

Staff Introduction – Throenle stated this has been brought back for continued discussion and the goal is to wrap it up in the next few meetings. Throenle directed the Commissioners to keep in mind the five questions on page VIII.A that need to be considered/answered while having the discussion.

Commissioner Discussion – The Commissioners, with direction and advice from Throenle, discussed and went through the mixed use corridor matrix and re-categorized, combined and deleted various items. Throenle stated that the

revised matrix will be brought before the Commissioners for review at a future meeting.

The Commissioners decided to review the new matrix at the next meeting and then notify the parcel owners of a public hearing regarding changes when necessary.

B. Short Term Rentals

Staff Introduction – Throenle addressed Maki’s public comment regarding Jennifer Thum’s deleted emails. He stated that no emails have ever been intentionally deleted. There is a two year retention policy and that covers Thum’s emails. Throenle stated for the record that he has never told anyone that they could rent their property as a short term rental, nor has anyone from the Township. Throenle stated that the language concerning short term rentals has not been defined. Throenle directed the Commissioners to note the highlighted verbiage in the proposed language sections for the definitions. The word “family” needs to be defined for use in the definitions. Mahaney asked if there is legal precedent for the word family. Throenle stated no. Throenle proposed that the definition for Rural Character be pulled out of the definitions and placed as a precursor at the front of the Zoning Ordinance.

Commissioner Discussion – Mahaney read verbatim the current and proposed language for the Zoning Ordinance Definitions in relation to short term rentals. After discussion of each definition/proposed definition the Commissioners approved the proposed definitions for Bed and Breakfast; Campground; Dwelling, Multi-Family; Dwelling, Single-Family; Hotel; Recreational Unit; Recreational Structure; Resort; and Structure. Throenle will research riparian rights, as brought up by Milton, to possibly add to the Rural Character section.

The proposed definition for Short Term Rental changed to: A dwelling unit providing temporary accommodations for periods as short as one overnight stay. Such rentals must meet the established regulations for Short Term Rentals (Section to be defined). Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

C. Non-Conforming Lots

Staff Introduction – Throenle stated that this is on the agenda to remediate non-conforming lots/parcels that have been zoned inappropriately in 2008; for example parcels zoned as waterfront that do not touch any water. The goal is to rezone the non-conforming lots to bring some consistency. Throenle directed the Commissioners to the three main concerns from residents are listed on page VIII.C.

Commissioner Discussion – Throenle would like to bring a list of the non-conforming lots to the next meeting for remediation. Mahaney asked Throenle to clarify that the goal is to bring the non-conforming lots into the existing zoning districts. Throenle stated yes, to bring them into a conforming status. Mahaney confirmed that this will be accomplished in the next meeting.

IX. PUBLIC COMMENT

Deborah Mulcahey – 633 Lakewood Lane – Discussed and quoted Jennifer Thum’s letter. Family is a nebulous issue, it should be looked at as a number, don’t say family. A definition of short term rental is already in the ordinance under resort. She wants to know if short term rentals are approved or not. If so, why aren’t we enforcing them.

Lori Krzymowski – 741 Lakewood Lane – Referred to five year master plan and asked if the Commissioners were familiar with a charrette. She described a charrette and how it works and suggested that the Commissioners may consider utilizing a charrette.

Stephanie Gencheff – 597 Lakewood Lane – Asked Throenle to answer Mulcahey’s question about where short term rentals are allowed. Throenle stated that he would not because it is part of public comment.

Peter Ollila – 633 Lakewood Lane – Why do we have ordinances if we are not enforcing them. He knows short term rentals are controversial.

X. COMMISSIONER’S COMMENTS

Mahaney – None

Meister – None

Mullen-Campbell – None

Smith – Absent

Milton – None

Kangas – None

White – None

XI. DIRECTOR’S COMMENTS

Throenle presented an interactive map to the Commissioners. The interactive map was created by Joe Lawry, Steve Lawry’s son, who did the maps while interning with the Township. Throenle demonstrated for the Commissioners and audience how it works.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

Throenle informed the Commissioners that he will not be available for the August 21, 2017 Planning Commission Meeting. He asked the Commissioners if they would prefer to keep the date as scheduled, change the date, or postpone. The Commissioners agreed to postpone to the September 18, 2017 regularly scheduled meeting.

Mahaney motioned, Kangas seconded to schedule the next meeting for September 18, 2017 and skip the August meeting.

Vote: Ayes: 5 Nays: 1 (White) MOTION CARRIED

XIII. ADJOURNMENT

Tom Mahaney adjourned the meeting at 10:15 p.m.

Minutes submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



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 August 21, 2017.

The meeting was cancelled.

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, September 18, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Judy White (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator), Lisa Perry (Administrative Assistant), Sgt. Tony Carrick

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Kangas to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

July 6, 2017

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

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

July 17, 2017

*Motion by Kangas, and seconded by Mullen-Campbell, to approve the minutes as amended (Page 5, Section XII in the vote, the Nay is listed as Mahaney, should be **Nays: 1 (White)**). The tape was reviewed.*

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Throenle indicated there are two spokespersons that would like to do a presentation on the Short Term Rental issue, and would like additional time to speak. Mahaney questioned how long the presentation will be – it was indicated by spokespersons Jennifer Bruggink and Scott Emerson that it would take approximately 10 minutes. The Planning Commission approved this, and after discussion on where to add this item, it was decided it should be dealt with as a presentation.

Motion by White, and seconded by Meister that the presentation be included as part of agenda under Item VI. Presentations, with a limit of ten minutes.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

Patrick Dudley, 2413 M-28 East – he is a vacation rental owner who opposes any bans of vacation rentals in Chocolay Township. He appreciates the concerns of the residents of Lakewood Lane, but feels there are other ways to resolve issues rather than outright bans. He has owned his house since 1990, and started doing vacation rentals in 2005 when family circumstances changed. The rental dollars pay for the property taxes and upkeep of the home he plans to retire to. He rents strictly through Airbnb, and has strict rules that the renters must comply with. He knows of no complaints from the neighbors. Many of his renters return every year, and have some type of tie to the area – current and former residents of Marquette County and parents of NMU students. He pays 6% sales tax, along with higher property taxes. When he travels for work, he almost exclusively stays in short term rentals. This allows him a better experience of the community. The issue on Lakewood Lane appears to be a lousy neighbor issue. He feels there are many ways to control this – a permit process, with maximum occupancy, permit fee, number of homes allowed as short term rentals per applicant, renewal process, complaints substantiated. Also, there should be a safety check. He feels banning a single area opens up the issue for a ban Township wide.

Kenlyn Hubbard, 121 Wintergreen – Hubbard's in-laws live at 739 Lakewood Lane. She supports short term rentals – she feels people take better care of their property. She stated that many people have family-owned camps along Lakewood Lane that they would like to keep in the family and retire to. Short term rentals are a way to provide an income that would allow the taxes and upkeep on the property until the time they can retire. There are other ways to control short term rentals. The Township needs to allow the community to expand.

Hal Pawley, 643 Lakewood Lane – he has lived there for 23 years, and is definitely against short term rentals. He has four places that do short term rentals within 1/4 mile of his house, and they have not done anything to improve their properties. He is against all the disturbances that come with short term rentals – parties, music, fireworks. This is not why he moved to Lakewood Lane. He tried to confront on his own, but now calls the Chocolay Police Department whenever there is a problem. He thinks the Township should take action to put an end to short term rentals.

Ruth Ziel, 734 Lakewood Lane – she is one of seven families that have deeded access to a pathway to the beach. Last year she was told by a renter that she was not allowed on the beach. When everyone left, and the places were closed, there was a lot of garbage. She ended cleaning up after the renters. She feels there should be phone numbers for residents to call if there is a problem. She has used Airbnb and there are always numbers posted. Trash is also put out on Sunday when the renters leave, and not picked up until Wednesday – this creates a nuisance with animals and birds. Has the Planning Commission considered the septic systems and the age of these systems. There is a lot of work to be done.

George Krzysmoski, 741 Lakewood Lane – there are always concerns about trash, septic and water, but he would like to bring up issues such as tax fraud and insurance fraud – when renting out a house, you are not insured with a homeowner's policy. There

are lots of safety issues. There is a lot of work that needs to be done. We are encouraging tax fraud by allowing the rentals.

Peter Ollila, 633 Lakewood Lane – opposed to short term rentals. The Planning Commission needs to reflect on what has been going on since 2011. The former supervisor, Gary Walker, and the current supervisor, Richard Bohjanen, have both stated on record at Township meetings “short term rentals are not illegal because they are not prohibited in the waterfront district”. The only thing that is permitted in the Waterfront Residential is a single family dwelling. Zoning laws throughout the state are written to show what is permitted. He went on to cite a Supreme Court decision from 2003. Some of his neighbors have been getting questionnaires from their insurance companies concerning number of people in house and if they are related. This triggered him to call his insurance company – he has a residential policy that runs less than \$1,000 per year. In questioning his insurance company, a long term rental policy would cost approximately 2 – 2 1/2 times the residential amount, and his company would not offer a policy on short term rentals. This would be under a resort / commercial basis and would cost 4 – 5 times the amount.

Stephanie Gencheff, 597 Lakewood Lane – Lakewood Lane lots are sometimes only 50 feet wide. Some homes are 20 feet away from the next home. She likes knowing who is sleeping 20 feet away from her, and does not feel this makes her selfish. The difference between a hotel and short term rental is that you can call the front desk of a hotel and have the problem taken care of. After the Township Board meeting the previous Monday, where M-28 short term rentals showed support, she went to the neighbors of the short-term rentals that were at the meeting. There was mixed feelings. She is having trouble understanding why the Township Board and Planning Commission feel so compelled to ignore Lakewood Lane residents who have gone on record stating their opposition to short term rentals.

Richard Bohjanen, 140 Edgewood Drive – (Township Supervisor) He made a couple points. (1) Definitions must be concise, clear and true; (2) Most resorts are rentals, but not all rentals are resorts; (3) Some hotels are short term rentals, but not all residences are hotels; (4) It may be more appropriate to define the term vacation rentals; (5) It appears that we deal with long term rentals in the same way as short term rentals, that is, they are not delineated in the ordinance, (6) In order to be understood by all, the ordinance needs to be amended; and he finished with (7) “Not everything stated as fact is factual, some are opinions. These are my opinions.”

Marla Buckmaster, 519 Lakewood Lane – has lived at this address for 22 years and prior to that she lived in the 600 block of Lakewood Lane – has lived on Lakewood Lane since 1971. She loves Lakewood Lane, loves the diversity of Lakewood Lane. She loves walking the beach and meeting the people that live there – sometimes as many as 20 miles per day. Up until three years ago, when she had to stop walking, she knew almost everyone on the beach. There were no complaints on short term rentals. She received a phone call a couple weeks ago in regards to the petition that was being circulated in opposition to short term rentals. Her response to the caller was that short rentals have

always been a part of Lakewood Lane, that she loves the eclectic nature of Lakewood Lane, and that she does not believe laws should be based on one bad experience of one person. They should be based on the negative experience of a broader population. Observations were that stories seemed to grow (climbing an apple tree to cutting down an apple tree) and that people who signed the petition may not have had an understanding of what they were signing. She also stated that people that signed the petition received notice of the last Township Board meeting, and those that were unwilling to sign the petition were not notified, so the deck was stacked in opposition to short term rentals. She feels there is a “mass hysteria” on Lakewood Lane based on some untruths, some exaggerated events, and a lack of factual information.

Kim Parker, has short term rental on 483 Lakewood Lane – he would like to comment on the trash, disorderly conduct, and other things. People, whether they are residents, short term renters, or long term renters, can be bad. He has been renting for ten years with no complaints. He also does not understand the magic number of 30 days – a person can be a bad renter no matter what the time frame. Short term renters are good for the economy. He works with Airbnb who is very good at vetting.

Deborah Mulcahey, 633 Lakewood Lane – the magic of 30 days is based on the ordinance. She is concerned about the short term rental definitions. She is totally opposed to short term rentals on Lakewood Lane. She would like to know what the Planning Commission vision is. If the plan is to allow short term rentals along Lakewood Lane, she would ask that the Planning Commission remove Lakewood Lane from the WFR zoning district and make a separate zoning district for the properties that are abutted by Lake Superior and a county road, which would include north side of Lakewood Lane along with the properties on Shot Point. If short term rentals go forward, she would ask that they be a conditional use as opposed to permitted use. The Master Plan before 2015 did not include anything on short term rentals. The current zoning ordinance does not list vacation rentals or short term rentals as either a permitted use or a conditional use. In 2008, her property was converted to WFR from R1, and now the Township is looking to allow commercial operations. The Township should take into consideration everyone’s property rights. In the Master Plan, volunteers are discussed. Short term renters typically do not volunteer. There is also the issue of availability of affordable housing.

Public comment closed at 7:52 pm.

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

Jennifer Briggink, 673 Lakewood Lane – she questioned if the members of the Planning Commission would like to have their neighbors changing on a regular basis. There was an overlay district to protect lakefront. Then Lakewood Lane was changed to WFR. She wants a sense of community and neighborhood that comes from having long term neighbors. This provides stability. She wants to be able to tell her children where to go

in case of an emergency or if someone has an extra key – you can't do this with a short term renter. She is looking for community neighborhoods that build health, trust, resilience, relaxation, etc. There is a difference between Lakewood Lane and M-28. M-28 has bigger lots, more wooded, more private. The letters in the packet from people that are in support are not residents. The people that rent out their houses are businesses. Lakewood Lane should stay residential.

Scott Emerson, 119 Lakewood Lane – he has lived on Lakewood Lane for 38 years. He feels this is a global issue – there is a global boom in short term rentals, the definition of which is less than 30 days. This has been driven by web-based companies, and their business plans are very unique. The other term thrown around is “creative destruction”. Short term rental business plans encourage illegal activity. Zoning laws scramble to try to accommodate these business plans. He feels that this is a dangerous trend. The zoning laws are part of the resident's protection. As governments try to accommodate these businesses, problems have arose such as (1) decrease in availability of long term rentals; (2) creation of dark zones, which are blocks of outside investor properties; (3) increases in complaints, such as noise, trespass, creation of party houses, etc.; and, most importantly, (4) loss of neighborhood character – loss of sanctuary. When you look at integrated health, one thing that stands out is sense of community, and if this is lost, it increases your stress. Two things that are contributing to this are non-owner occupied short term rentals and density and concentration of short term rentals in residential zones. His recommendations to the Planning Commission are: (1) Don't rush this – it is continuing to evolve and sort itself out, and we need to learn from other's experience; (2) the main thing to address is the non-owner occupied short term rental; (3) Keep the Township regulations on this simple and enforceable; (4) Need to enforce the existing zoning ordinance; (5) Ordinance change proposal (short term rentals in all commercial zones, and short term rentals in all residential zones, including Lakewood Lane, and a conditional use with 5 acres or more). Handouts were given to Planning Commission.

Presentation closed at 8:25 PM. Short recess.

Meeting resumed at 8:32 PM.

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

IX. Short Term Rentals

Staff Introduction

Throenle indicated that on the cover memo, the Motion from the Township Board should be:

“Rhein moved Engle second to give the Planning Commission three months to come up with a viable plan to present to the Township Board on Short Term Rentals.”

*MOTION CARRIED (Nays – Maki, **White**)*

Throenle also indicated that when the packet was put together, the Short Term Rental Definition page was inadvertently left out. It has now been put as a separate handout to the Planning Commission, along with additional copies on the back table for the public. There is also one email that was received in the correct time frame.

Comments on the packet information: Short term rentals have been in the Township since the 1980's. Since that time, there have been six zoning administrators, five of them since 2002, one for a period of three months. With this change in administrators come different interpretations of the zoning ordinance. In regard to the Jennifer Thum letter of 2011, at the time there was a motion made to direct the staff to consult with the Township Attorney. There does not appear to be any follow up to this motion. Thum then resigned in February of 2012. He has consulted with the Police Department an outline of complaints generated from Lakewood Lane for the past year – nine complaints were found, most with the people not knowing the ordinances. There is a need to be able to get this information out. There is no distinction in the Police calls as to the type – short term rental, long term rental, resident. Throenle has had two rental related incidents reported to his office – one of someone showing up at the wrong residence by mistake to request a key and the other was concerning trash. There may also be group owners of a single property for consideration in this discussion.

Another consideration is that there are two bills in front of the Michigan Senate and House right now – Senate bill No. 329 and House bill No. 4503. Both are in committee right now, and have identical language. If approved as written, the discussion on short term rentals will become a moot point.

Throenle pointed out that as the Planning Commission goes forward, the definitions need to be concise, as there could be many interpretations.

Based on emails and discussion, Throenle stated the arguments for opposition are loud music and noise, unleashed pets, fireworks, no respect for property or neighbors, privacy issues, safety issues, and trash. The arguments for are enhanced tourism, assistance in paying for the existing property and keeping it in the family, income for local businesses, not a hotel or resort, property rights, and an option to use if circumstances change in the future. Throenle also discussed the term “commercial”.

Throenle explained that the Planning Commission is directed by the Township Board to come up with a viable plan in a three month period – there does not have to be an ordinance in place in that time frame. His recommendations are: (1) Develop a plan; and (2) Continue working on the short term rental ordinance at the same time.

Throenle pointed out that the document laying on the Commissioner's table was a petition that was signed by residents of Lakewood Lane – 183 signatures representing 135 properties.

Throenle also encouraged the Planning Commission to consider the long term vision

for the Township – 10 to 15 years out. This should be based on the vision in the Master Plan.

Commission Discussion

Mahaney asked how many properties are in the waterfront district. Throenle explained he has two maps that show Lake Superior property – Lakewood Lane to Shot Point. It does not include anything on the river or on Kawbawgam Lake. This would include the ECF districts that are classified as Superior 1 and Superior 2. When running a report on properties that are less than 100% homestead, 37% fall into this category.

Smith questioned why, if we have a Zoning Ordinance and it appears that it is being violated consistently, we are not enforcing it. Throenle indicated it comes back to ambiguity of the ordinance – very hard to take to court and enforce.

Mahaney indicated that he has been researching this – this is a tough issue, and with the bills that are in the House and Senate he wonders what will happen if they do go through. There is a lot to consider.

Smith asked if there has ever been an attorney opinion requested. Throenle indicated that the first was a verbal from Mike Summers and the second was a written from Roger Zappa.

Kangas felt that the Planning Commission needs to adopt a definition for short term rental (or vacation rental), there will continue to be the ambiguity which makes it a challenge for staff to be able to enforce it. The reason that this is so public now is because of the internet – properties can no longer fly under the radar. He feels that it ultimately comes down to the property owner / manager responsibility. Attention has been diverted at this point to focus on one small district, when the real need is to take a look at the big picture. Need to focus on the definition.

Milton indicated that he like the term “vacation rental” – he feels this term fits better.

Meister thought it would be useful to include other concerns when talking about short term rentals such as requirements, restrictions, protection of property owners, and the entire township.

Kangas indicated that in his time on the Planning Commission there has never been talk of allowing short term rentals unrestricted in the Township.

Smith indicated that he would like there to be some type of criteria behind the definition of short term rentals. No reason to reinvent the wheel.

Meister feels the definition is a good place to start. Kangas feels if you have a definition it allows you to make a better determination on which district it would be considered appropriate in.

Throenle indicated that the definition should be fluid.

Smith moved, Kangas seconded, to have the Planning Director follow through on the motion that was made on September 12, 2011 and look at a broad range of communities for the next meeting.

Vote: Ayes: 7 Nays: 0

MOTION CARRIED

X. PUBLIC COMMENT

Peter Ollila, 633 Lakewood Lane – the proposed definition of short term rentals – the first sentence needs boundaries. Less than 30 days, monthly, what about February?

John Peterson, 733 Lakewood Lane – has live here for 47 years. Has not seen any change in the fireworks ordinance – still the same from year to year. People are complaining about the trash problem – people are putting out there in bags - need to put in garbage cans. The people who took the petition up and down Lakewood Lane were basically harassing the public.

Jennifer Bruggink, 673 Lakewood Lane – the one thing that wasn't mentioned previously was community. Other issues can be resolved. Community is about quality of life. She thinks there approximately 200 – 225 parcels on Lakewood Lane with water frontage. She apologized for the fact that some residents may have felt harassed – if it's hard to tell someone you won't sign their petition think of how hard it would be to tell someone you don't like what they are doing. Hopes there are some rules that can be made concerning short term rentals.

Kenlyn Hubbard, 121 Wintergreen Trail – wanted to talk about community and neighbors. Her mother-in-law who lives on Lakewood Lane has a neighbor on one side who is wonderful, on the other side is the neighbor from hell. Everyone wants community and good neighbors. Short term rentals are not a bad thing – make some rules, but don't cut them out. Community comes from the heart, not property.

Deborah Mulcahey, 633 Lakewood Lane – the two pieces of legislation in committee – suggested the Planning Commission look at the Birch Township Supreme Court decision. Sense of community and property rights are important to her. The WFR district specifically says the permitted use is single family dwellings. There is nothing about short term rentals. Mulcahey, Jennifer Thum, and Mike Summers had many discussions about this issue. She stated that the Supreme Court has ruled that if something is not specified as allowed, then it is not allowed. Any attorney will say that enforcement may be problematic. Mulcahey read one sentence from a document from a previous attorney, "... The conversion of what is otherwise a single family dwelling in a residential for seasonal rental on a periodic basis to different families or groups is a commercial use by definition ...” If you are going to have zoning, you should do the enforcement.

Public comment closed at 9:52.

XI. COMMISSIONER'S COMMENTS

White – Stated that this is her last meeting. She has given notice to Supervisor Bohjanen than she no longer wishes to serve on the Planning Commission. She stated she has learned a great deal, and has a lot of respect for the members of the Planning Commission. The Planning Commission is derived of many talents and much experience – they give up their time for the community and the citizens should be proud of all the work that they have done.

Milton – None

Kangas – Something to remember during the short term rental discussion – if it's not enforceable, the Planning Commission is probably wasting their time.

Mullen-Campbell – Don't be too discouraged – there is a lot to digest on the subject of short term rentals. Feels the Planning Commission needs to persevere.

Smith – None

Meister – Feels the Planning Commission needs to get the overlay district back on the agenda.

Mahaney – Thanked the audience for their comments. Also wondered about the tablets – Suzanne will have a report the next meeting.

XII. DIRECTOR'S COMMENTS

Throenle thanked the Planning Commission for their patience, and also apologized for the quality of the packets.

Throenle had also recently completed FEMA training and has been designated as the Flood Plain Manager for Chocolay Township. In the future, this may mean looking at certifying our community which would possibly help with reductions in flood insurance for the residents.

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Marquette City Planning Commission, 07.11.17

B. Minutes – Marquette City Planning Commission, 07.18.17

C. Minutes – Marquette City Planning Commission, 08.01.17

D. Minutes – Township Board minutes, 07.10.17

E. Minutes – Township Board minutes, 08.14.17

XIV. ADJOURNMENT

Mahaney adjourned the meeting at 9:56 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, October 16, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board)

Members Absent: Donna Mullen-Campbell (Secretary) (Excused)

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), Suzanne Sundell (Community Development Coordinator), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Milton and seconded by Rhein to approve the agenda as written.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

III. MINUTES

September 18, 2017

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

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Mark Maki, 370 Karen Road – referred to Throenle’s letter dated October 3 in the packet concerning short term rentals. Doesn’t agree with the statement, “...After reviewing public comment, staff has determined short term rentals there is no documented evidence that short term rentals are causing problems in the Township”. Maki then referred to a letter in the packet from Deborah Mulcahey stating that this has been on the agenda since 2011, and quoted several items from that letter.

Deborah Mulcahey, 633 Lakewood Lane---Commented on the Bed and Breakfast section of the mixed use district information. Objects to increase to six and in the multi district to 10. Mulcahey also asked Throenle if he had checked for efforts in historical protection along the lakeshore. Mulcahey feels that the Planning Commission is not moving along with short term rentals as directed by the Board. Also, has concerns about fires being allowed on the dunes. She feels there are many diversions when discussing short term rentals. Mulcahey would also like to see Lakewood Lane and Shot Point rezoned.

David McNamee, 809 Lakewood Lane---His property has been in the family since the 1940’s. Was approached with the petition, refused to sign. How many short term rentals are in Chocolay Township? Did research online, saw that many places are having many

problems with the short term rentals. Seems there are laws in place, just need to be enforced. Maybe it's an enforcement problem? How many disturbance calls have had an Officer show up? Doesn't see the short term rental as a problem but does see the confrontation of people living on Lakewood Lane as a problem. They shouldn't be able to dictate what someone does with their property.

Kim Young, 2339 M-28 East---Her property has been in the family for generations. She has seen many properties from M-28 listed for sale as short term rentals on Airbnb, where present owner will show how to be managed as such. Marquette is growing and she feels the Township needs to be careful as to not sell out the limited water front for such use. Has talked with Throenle regarding these heated issues and feels that many voices should be heard and all pros and cons should be considered. She currently owns a commercial rental property in Marquette.

Public comment was closed at 7:18 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Flood Plain Insurance Program Community Certification

Staff Introduction

Throenle attended a FEMA class regarding Flood Plain Insurance as his duties have been amended to include Flood Plain Management. As of 2015, when the new maps came out, it is required to have Flood Plain Insurance in certain areas of Chocoday Township. He introduced the Community Rating System (CRS) would allow residents to be eligible for a discount on the required insurance based this system. This is outlined in section VII.A.1 of the packet. This could have significant savings to the residents in those areas, who are required as part of their mortgage to carry this insurance. This process has already been initiated. He is asking the Commissioners if it would make sense to proceed. This rating system will help to inform the residents in those areas of the process involved in how we obtain their status in the Flood Plain. He also referred to the table (Preferred Risk Policy Premium Table) located in VII.A.6 of the packet. This would be the information that would be sent to the public.

Commission Discussion

Kangas asked what effort it would take to make this possible? Throenle stated it would be minimal as this information is published by FEMA. Then main thing would be getting this information out to the public.

Mahaney questioned the time frame. Throenle indicated that once you achieve the

points it goes forward.

Meister asked if there was an annual renewal on the rate change—Throenle indicated that it was his understanding that it would happen when the individual insurance came up for renewal.

Mahaney asked how to get points. Throenle directed the Planning Commission to VII.A.1—Table 2. Told them some things are already done so this could be ready by spring.

Meister stated it sounded like it would be safer, save the residents some money and protect the properties.

Milton asked if on the maps you can find the residences. Throenle stated that the maps are laid over an aerial view---they are assumed in the flood plain unless they can be proven out. Throenle also stated that there is a link to the FEMA information on our website.

Mahaney asked if there are any other Upper Peninsula communities doing this rating system. Throenle stated there may be one other.

Smith questioned if this would make it easier to build on some of the properties in the Township. Throenle indicated that the CRS is about insurance costs and helping to keep them lower.

Mahaney asked if there would be public notice to the residents once the system is in place. Throenle indicated that this would be part of the educational process.

Throenle stated that Marquette County is a high flood area, so this plan would be beneficial to many residents.

Kangas moved, Rhein seconded that the Zoning Administrator begin the process for a Community Rating System (CRS) certification for the Township.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. OLD BUSINESS

A. US41/M-28 Business Overlay District

Staff Introduction

Throenle asked that the Planning Commission move this along as it had been on hold. He referred to revised maps which are now included in the packet. He wanted to go over the definitions and language for the overlay district to allow multiple possibilities on the same parcel. There are several that need to be considered, one

being the Church across the street. It is zoned R1 and cannot be used as a commercial property as it stands. Another is the red house on the corner and is zoned commercial and the vacant property across the street. Kangas had come aboard in the middle of this process but has read through it and feels it makes sense except for the one change on the Site Plan Approval.

Site Plan Approval

Site plan approval shall be required in accordance with the requirements of Section 9, Site Plan Review. The type of site plan review required and the site plan review process shall follow the procedures identified in Section 9. Site plans must contain all of the information required in Section IX.

Meister thought it seemed complete but does see some problems with the Table 1- Overlay District Used (page 7)-Commercial – Bar, tavern or other alcohol service establishment shows as conditional use in the table, and a permitted use in the narrative on page 9. Meister thought the table could be removed. Kangas pointed out that was a Quick Reference Guide. Table changed to show use as “Permitted”. Meister also showed that under the “Residential”, Multiple family dwelling unit was shown as “Permitted” in Table 1, but in the narrative it was listed as “Conditional” under “Apartments”, townhouses, condominiums, and other similar uses. This was changed to “Conditional” on Table 1.

Use	Permitted Use	Conditional Use
Commercial		
Bar, tavern, or other alcohol service establishment	x	
Residential		
Dwelling unit in a mixed-use building	x	
Live / work unit	x	
Multiple-family dwelling unit		x

Mahaney had a question in the Recreational Facility on Page 3, concerning golf courses. After discussion, it was decided that golf courses be removed.

Word or Phrase	Definition
Recreation facility	A non-commercial recreational facility consisting of primarily open space including, but not limited to parks and playfields and playgrounds. and golf courses.

Meister has a question about “Building Entrances” on page 11. He felt there would be times you wouldn’t want entrances on two streets. Kangas questioned if it referred to the building entrance or the property. Based on the description, he is envisioning a Walgreens, on a corner lot with the main entrance oriented towards the corner. This was changed to include “Entrance to...”.

Building Entrances

Entrance to buildings located on corner lots or lots that front upon two or more streets or roads shall be required to have a principal entrance onto each street or a corner entrance oriented toward the intersection of the two streets.

Smith asked if there was anything pertaining to clear sight distances. Throenle said the only thing would be on page 1 under “Effective turning radius”. Kangas stated that this would mostly be under MDOT and would be required.

Kangas moved, Smith seconded, to accept US41/M28 Business Overlay District document as amended.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

Throenle indicated the next step is to schedule a Public Hearing to incorporate this into the Zoning Ordinance.

Rhein moved, Mahaney seconded to set up the Public Hearing on the Overlay District for the December Planning Commission meeting.

Vote: Ayes: 6 Nays: 0 MOTIONED CARRIED

B. Short Term Rentals

Staff Introduction

Throenle stated the intent for tonight it to look at the plan to be submitted to the Township Board at the December meeting. This plan is covered in section VIII.B.1 of the packet.

Throenle wanted to clear up a couple of comments that were made during public comment. There was a comment regarding two documented issues, but there have been no documented enforcements against any short term rental in the Township since the 1980’s. Throenle also cautioned on short term rentals being defined as vacation rentals, as this could be misleading. Short term rentals are used by many that are not necessarily using them for vacation, such as professionals associated with the hospital or college.

made concerning violations.

Deborah Mulcahey, 633 Lakewood Lane - Feels this has been a constant game of Kick the Can since 2015. There has been talk tonight of safety, insurance, flood plains— those people chose to live in a floodplain – she chose to have her house on Lakewood Lane, but did not choose to be in a fire area from people that don't know when they should or should not have a fire. She questions the statement that people felt embarrassed or harassed by the petition – she received thank you letters and hugs. Questioned what will be done about people that are currently putting their short term rentals up for sale. She stated her definition of a vacation rental. Implored the Planning Commission to do their job.

Peter Ollila, 633 Lakewood Lane - Enforcement, if you're not going to do it, it's useless, waste of time. Do it or don't have an ordinance.

Lori Krzysmoski, 741 Lakewood Lane - Has some safety concerns, would like to see something added to the Short Term Rental Plan that would make a violation a civil infraction, not a criminal offense. Also, have some safety monitoring of the short term rentals - consider the density of short term rentals as smaller lot sizes don't meet current building standards, to maybe include some buffers, also fire safety.

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton – None

Kangas – he has been sitting on the Planning Commission since the beginning of the year, and not since 2011. He feels the Planning Commission can be hasty on this and do it really sloppy and regret it. The process is slow, but wants to get it done right the first time.

Smith – None

Meister – Welcomed Don Rhein to the Planning Commission.

Mahaney – questioned when the tablets will be available versus the packets. Suzanne Sundell indicated one is being tested at this time, with the hopes of being able to provide them soon. Mahaney asked about the use process – Sundell indicated that they would keep their tablets, and when the packet was available they would receive an email to download from the website.

DIRECTOR'S COMMENTS-

Throenle requested the Planning Commission to consider rescheduling the November

20 meeting to November 27.

Mahaney moved, Kangas seconded, that the November Planning Commission meeting be moved from November 20 to November 27.

Vote: Ayes: 6 Nays: 0 MOTION CARRIED

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette City Planning Commission, 08.15.17
- B. Minutes – Marquette City Planning Commission, 09.05.17
- C. Minutes – Marquette City Planning Commission, 09.19.17
- D. Minutes – Township Board minutes, 09.11.17
- E. Minutes – Township Board minutes, 09.25.17
- F. Mulcahey and Ollila Correspondence

XII. ADJOURNMENT

Mahaney adjourned the meeting at 8:46 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, November 27, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:03 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Andy Smith (Vice Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board)

Members Absent: None

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Smith and seconded by Milton to approve the agenda as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

III. MINUTES

October 16, 2017

Motion by Rhein, and seconded by Kangas, to approve the minutes as written.

Vote: Ayes: 7 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Perry Laing, 625 Lakewood Lane – In favor of short term rentals, he has a cottage on the same property as his home that he wants to rent out. He is taxed as a second residence on this property therefore paying additional taxes. He likes short term rentals as he feels the owner has the ability to kick someone out after a few days vs. a longer rental term. Also thinks that the owner should have residency in at least the county of their property and have rules that are enforced. Would like to see a policy put in place to have the Police fine the renter for the first violation and if there is a second one, the owner should be fined. Also, if short term rentals are terminated from the Township, will there be any compensation for those that want to rent their properties.

Stephanie Gencheff, 597 Lakewood Lane – There are more issues than fireworks and noise involved with short term rentals. There are trespassing and parking issues as well that need to be addressed.

Public comment was closed at 7:10 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. Noise Ordinance Rewrite

Staff Introduction

Throenle stated in reference to the short term rentals, noise and fireworks are the most common complaints but there others such as trespassing and parking. In reviewing the ordinances related to these complaints he found that they need to be reviewed and revised. There are no signs in Chocolay Township determining “quiet zones” for hospitals or schools, and there was a section in the noise ordinance that prohibited construction on weekends.

Additional language was needed to bring the noise ordinance up-to-date. For example, noise from motorized lawn care equipment was not covered.

Commission Discussion

Mullen-Campbell asked about a decibel meter, Throenle stated some places have them but they are expensive and users have to be trained to use them properly.

Meister asked how to determine what is “excessive” as some people have a lower/higher tolerance of noise. Police could visit but is it hard to enforce?

Mahaney asked if Chocolay Township has had any noise issues that Throenle was aware of?

Throenle commented that this would be found in police records, but it was not reported to his office. This can be documented but is hard to enforce due to the fact that most times the source of the noise is hard to prove by the time law enforcement shows up.

The Commission had several questions and concerns pertaining to the existing ordinance and agreed it needed to be changed. Some of the concerns were: all construction, snow and trash removal, lawnmowers, signal devices, ice cream trucks, ski and snowmobile trails and emergency situations. After much discussion, the following revisions to the proposed ordinance were the decision of the Commissioners:

Ordinance 64 Noise

Section 4 Prohibition

(C) Snow removal, snow trail grooming, and commercial trash removal are exempt activities that can be performed any time.

Section 5 Prohibited Noises and Acts

(G) Construction or Repairing of Buildings and Roads

Except in the event of an emergency:

- i. *The demolition, excavation, alteration, construction or repair of any building or structure other than between the hours of 7 a.m. and 10 p.m., where such activity results in the creation of unusually loud noise or noise which annoys, disturbs, injures, or endangers the comfort, rest, health, peace or safety of others.*

ii. Road and general construction is exempt with prior approval from the Township Board.

(I) Business Operations and Other Premises Activities

- i. *The carrying on of any business operations, or any other activities upon any premises in such a manner so as to create any excessive, unnecessary, or unusually loud noise, which disturbs, injures, or endangers the comfort, rest, health, peace or safety of others at a distance of fifty feet or more from the edge of the business ~~operation~~ property*

Section 6 Violations

A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine of not to exceed ~~three~~ five hundred dollars (\$~~300~~ 500.00) for each offense.

Section 8 Effective Date

This Ordinance shall take effect thirty calendar days from February 12, 2017 ~~2018~~.

Kangas moved, Rhein seconded that proposed Ordinance 64 Noise to be presented for public hearing as changed at the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

B. Proposed Fireworks Ordinance

Staff Introduction

Currently fireworks are not included in Chocolay Township's ordinance. Throenle has researched many ordinances, and found one from the city of St. Ignace. He spoke with the St. Ignace staff; they told him there were disturbances at all times with fireworks and since they have set their own guidelines and enforced them, they have not had many problems with them. Throenle is proposing that Chocolay Township do the same in setting a new ordinance.

Commission Discussion

The Commission had concerns and questions such as: were there any complaints? Does the noise ordinance have anything set for fireworks? Fireworks aren't always used in the designated days, should allow extended times for the 4th of July. In discussing this, the Commission has decided on the following:

Ordinance 65 Fireworks

Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within the Chocolay Township, except during the following times:

1. On the day preceding, the day of or the day after a national holiday as defined herein, except the Fourth of July, as defined herein between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.
2. Between the hours of 6 PM and 11 PM on Fridays and Saturdays with a permit issued from the Township.
- 1.3. Three days preceding, the day of, or three days after the Fourth of July, between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.

Meister moved, Mullen-Campbell seconded to make the changes to the proposed Ordinance 65 Fireworks and to present the ordinance for public hearing at the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. US41/M-28 Business Overlay District

Throenle recommended the Commissioners review the revised definitions to ensure the revisions have been made to their satisfaction, and to determine if additional revisions need to be made prior to the public hearing.

Throenle stated that Steve Lawry, Township Manager also recommended the public hearing date be moved to the January 2018 meeting to accommodate citizens that may not be able to attend or provide comment for the December 2017 meeting due to the holidays.

Kangas moved, Rhein seconded, that the language for the proposed US 41 / M-28 Business Overlay District be accepted as written and the proposed US 41 / M-28 Business Overlay District public hearing be moved from December 17, 2017 to the January 2018 meeting.

Votes: Ayes: 7 Nays: 0 MOTION CARRIED

B. Short Term Rentals

Staff Introduction

Throenle pointed out for several months the Planning Commission has been working on a plan concerning several aspects of short term rentals, and the Commissioners developed a plan for the issue. Throenle presented this plan to the Board as part of the Board's November agenda and they informally accepted the plan with a June 1, 2018 date for the Planning Commission to have a draft version of recommendations ready for the Board.

Throenle has been conducting surveys from other Planners in the central UP area to see different variations concerning short term rentals. He has been concentrating on areas with waterfront. He asked the Commission to finish the definitions tonight.

Commission Discussion

Mahaney asked how many areas Throenle was checking into. Throenle replied twenty to twenty-five townships, to get as many with waterfront as possible. Some are hard to find contacts for, and he will continue to gather that information.

Smith commented it is good to look at others so we don't reinvent the wheel. He would like to see the ordinances to check for pros and cons, so that the language can be written correctly.

Meister would like to see links from the web to reference the ordinance.

As short and long term rentals have been allowed in the Township since at least 1980, Throenle stated the language for short term rentals should apply to long term rentals as well.

Smith felt there could be problems with short term rentals as the time frame is shorter, help eliminate problems for opposing people. Smith also feels long term rentals haven't been an issue. Kangas replied that short term rentals may not be a problem but could become one.

Mahaney asked if it should be a *Rental Ordinance*, not just a Short Term Rental Ordinance. This would combine the short and long term rentals with terms special to short term rentals if needed. He felt they should follow the same ordinance as they have the same issues....noise, fireworks, parking, garbage, etc. Rhein felt they should be combined as well.

Throenle asked if the landlord should be held responsible. Rhein thought they could be fined. Smith talked about having it in the ordinance, and asked if it is violated would they lose the rental rights, and questioned if that was legal.

Mullen-Campbell also asked if there has been any progress on the bills in the House and Senate pertaining to short term rentals. Throenle answered there has not been any and if they do not come out of committee they are finished for the year.

Rhein and Mullen-Campbell suggested twenty-eight days or less be classified as a short term rental, anything twenty-nine days or more would be a long term rental.

Throenle pointed out that after fourteen days property owners that rent would lose their principal residence exemption for tax purposes.

Throenle asked if the Rural Character definition should be removed as a definition and moved to the introduction of the Zoning Ordinance. Smith asked where the definition was currently located, and Throenle stated it was in the definition section in the official Zoning Ordinance. Milton stated that rural character was all part of the Master Plan. Throenle recommended rural character be taken off the definition list as a definition and leave it out until the Commissioners decided where to put it.

Rhein interrupted the discussion and asked to be excused at 9:05 for a work commitment. He was excused.

Mullen-Campbell would like time to read the Rural Character definition over, as she was concerned about man-made improvements in the statement. Smith sees it as a statement, more of a definition for the Master Plan. Meister doesn't see it as a definition, it's in the Master Plan, so it should be a general goal. Kangas would like to see it left alone, as it creates confusion, and is not part of the short term rental discussion. Mahaney sees it as a definition as well.

Throenle suggested it be brought back to the December meeting for additional discussion with the review of the proposed definitions.

Commission Decision

After much discussion, the following changes were proposed:

Long Term Rental

Proposed

A dwelling unit providing temporary accommodations for periods of twenty-nine successive days or more.

Such rentals must meet the established regulations for Property Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

Short Term Rental

Proposed

A dwelling unit providing temporary accommodations for periods of twenty-eight days or less.

Such rentals must meet the established regulations for Property Rentals (section to be defined).

Such rentals are not permitted in any zoning district if restricted by deeds or covenants.

IX. PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – Short term rentals and single family homes are different, they should not be held to the same laws. Have listened to many people at the podium complain about short term rentals. Do the police document the complaints to the property owners? Had a long term rental next to her and are still friends after they moved. Thinks it's a mistake to combine the rules for short and long term rentals

Laurie Krzysmoski, 741 Lakewood Lane – Has been both a short and long term renter. Short term renters are different, they don't treat property the same. Long term renters are members of the community, they act like a homeowner. There are different boundaries from a short to long term renter, exercise different levels of caution, have different set of rules regarding this.

Perry Laing, 625 Lakewood Lane – Address the noise ordinance, modify it. Agree that people should be able to do what they want with their property, but if they are going to be a short term renter the property owner should set rules and post them on the property. If they violate the rules the renter should be asked to leave. Also, maybe ask for a significant fee to be refunded if there are no issues, people would think twice.

The noise exceptions discussed sound good but contracting work doesn't always go as scheduled, how does a contractor get Board approval when they only meet once a month?

X. COMMISSIONER'S COMMENTS

Rhein – No comment, excused early for a work commitment.

Milton – None

Kangas –None

Smith – Would like to see a list of the complaints from the Zoning department put in the packets. Does not have to include their names.

Meister – None

Mahaney – Appreciates the comments from the public, their input is important. Wants them to know that the Commission appreciates it.

XI. DIRECTOR'S REPORT

Throenle – Tablets will be ordered soon, and staff will try to have them operational for the January meeting.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Marquette City Planning Commission, 10.03.17

B. Minutes – Marquette City Planning Commission, 10.17.17

C. Minutes – Township Board minutes--draft, 10.09.17

D. Minutes – Township Board minutes--draft, 11.13.17

E. Correspondence – Mulcahey # 1

F. Correspondence – Mulcahey # 2

XIII. ADJOURNMENT

Mahaney adjourned the meeting at 9:26 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MINUTES**

Monday, December 18, 2017

I. MEETING CALLED TO ORDER BY: Tom Mahaney at 7:00 p.m.

ROLL CALL

Members Present: Tom Mahaney (Chair), Eric Meister (Vice Chair), Donna Mullen-Campbell (Secretary), Jon Kangas, Kendell Milton, Don Rhein (Board-joined at 7:20)

Members Absent: Andy Smith (Vice Secretary)-unexcused

Staff Present: Dale Throenle (Planning Director/Zoning Administrator), Richard Bohjanen (Township Supervisor), and Lisa Perry (Administrative Assistant)

II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

Motion by Meister and seconded by Mullen-Campbell to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

III. MINUTES

November 27, 2017

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

Vote: Ayes: 5 Nays: 0 MOTION CARRIED

IV. PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – Has been involved in the community for 40 years, also served on the Planning Commission. He has concerns regarding fireworks. He researched sixteen Township ordinances in Michigan, twelve in northern Michigan and four in lower Michigan and found one in Acme Township that he thought would work well for Chocolay Township. He presented the Commission with a copy of the ordinance.. Also discussed prohibiting sky lanterns.

Public comment was closed at 7:13 pm

V. PUBLIC HEARINGS

None

VI. PRESENTATIONS

None

VII. NEW BUSINESS

A. 2018 Meeting Dates

Staff Introduction

The following Planning Commission meeting dates were submitted to the Township Board for approval:

Monday, January 15	Monday, July 16
Monday, February 19	Monday, August 20
Monday, March 19	Monday, September 17
Monday, April 16	Monday, October 15
Monday, May 21	Monday, November 26
Monday, June 18	Monday, December 17

The November date was changed from the third Monday to the fourth due to the Thanksgiving holiday.

Commission Discussion

Mahaney questioned the February 19 date as it is President's day, would the Township be closed? Throenle stated the Township is open on that day and would not be an issue.

Mullen-Campbell moved, Kangas seconded, that the meeting dates for 2018 for the Planning Commission be published as written.

Votes: Ayes: 5 Nays: 0 MOTION CARRIED

Don Rhein joined the meeting at 7:20.

B. Planning Commission Priorities for 2018

Staff Introduction

Throenle stated each year the Planning Commissioners should review the established priorities for the Planning Commission to determine if those priorities are still valid for the upcoming year.

Commission Discussion

Meister recommended adding the National Flood Insurance Plan (NFIP) Community Rating system as a priority 1. The Commissioners changed some of the priorities around and removed some. After discussion, the following priorities were voted on:

Planning Commission Priorities for 2018

Priority 1

- Asset Management Plan for Township roadways, sewer and water systems
- Begin planning for implementation of high priority Master Plan projects
- Complete and adopt language for short term rentals
- Complete and adopt language for US 41 and M-28 Business Corridor Overlay District regulations
- Review existing ordinances
- Consider rewrite of current zoning ordinance
- NFIP Community Rating System
- Further amend the Zoning Ordinance to address changes in State Legislation
- Recreation plan review and update

Priority 2

- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Plan for four-season transit facility
- Reconsider the Accessory Homesteading Activities regulations after evaluating public input

Priority 3

- Consider Firewise zoning regulations
- Reconsider approach to private road regulation

Rhein moved, Mullen-Campbell seconded, that the priorities for the Planning Commission for 2018 be published as changed.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

VIII. UNFINISHED BUSINESS

A. Noise Ordinance

Staff Introduction

Throenle asked that the number for the recommended ordinance be changed from 64 to 66, as there is already an ordinance 64 (Alger-Delta Franchise Agreement). He also stated that he spoke with Supervisor Bohjanen about some minor language changes, and he presented those to the Commissioners.

Commission Discussion

There was a brief discussion about the changes, and the Commissioners found no problems with the recommended changes.

Commission Decision

Kangas moved, Meister seconded, that proposed Ordinance 64, Noise be renamed to Ordinance 66, Noise and be presented for public hearing as changed at the January 2018 meeting.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

B. Fireworks Ordinance

Staff Introduction

Throenle stated he had recommendations in the packet, but after a conversation with the Police Chief, he recommended that the proposed permitting process and extended times for Fourth of July be removed from the proposed ordinance.

He also recommended adding a restriction for sky lanterns as outlined in the ordinance from Acme Township.

Commission Discussion

There were many concerns regarding fireworks, such as allowing fireworks for special occasions (birthdays, weddings, anniversary), weather, permits, and sky lanterns. Also concerns regarding legal aspects and liability.

The following change was added to the proposed ordinance as a definition:

Sky lantern	An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne
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Language in Section 4 was changed as shown:

Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within the Chocolay

Township, except during the following times:

- 1. On the day preceding, the day of or the day after a national holiday as defined herein between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.*
- 2. No person shall release or cause to be released an untethered sky lantern.*
- 3. Between the hours of 6 PM and 11 PM on Fridays and Saturdays with a permit issued from the Township. One permit per property address per calendar year will be allowed.*

Commission Decision

Rhein motioned, Milton seconded, the fireworks ordinance as modified.

Votes: Ayes: 3 Nays: 3 MOTION FAILED

Throenle recommended they save the language as modified with Step 3 included until the Acme Township ordinance could be researched.

Meister motioned, Mullen-Campbell seconded, that the modified language be accepted but this be tabled until the January meeting to review. This would give Throenle time to research the ordinance from Acme Township that Scott Emerson had presented to the Commission.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

C. US41 / M-28 Corridor Overlay District

Staff Introduction

Throenle had a conversation with the Township Supervisor regarding the name for the district. As the current name implies, the proposed district is overlaying business opportunities over the entire corridor, which is primarily a business corridor already. A better name for the corridor would be the “Mixed Use Overlay District”.

Throenle also reviewed the document, and clarified language (such as definitions), included a section defining the corridor boundaries, and formatted the document to make it easier to read and follow.

Commission Discussion

Throenle suggested one change to the “Residential Uses” section

Residential Uses

Dwelling unit in a mixed-use building

A dwelling unit located in a building with non-residential land uses

Removing “Such units may not be located on the ground floor of the building”.

Meister asked about the construction of storage units vs. retail commercial, Throenle commented they are covered under the section "Habitable Space".

Mahaney questioned contractor yards, Throenle commented they need to be reviewed in future discussions but would be covered in the "Commercial Uses" section under commercial. Milton asked if the changes were going to public hearing in January, and if the changes were to be added in the Zoning Ordinance. Throenle replied the date is correct, and the changes will be put in the ordinance as section 5.5

Commission Decision

Kangas moved, Rhein seconded, that the language for the proposed Mixed Use Overlay District be accepted as changed and be presented to the Township residents at public hearing at the January 2018 meeting.

Votes: Ayes: 6 Nays: 0 MOTION CARRIED

D. Short Term Rentals

Staff Introduction

Throenle has developed a list of 290 cities, villages, and townships in the UP. He narrowed it down to 65 townships that are on waterfront, and from those randomly chose 34 townships and researched their ordinances for language on short term rentals.

Throenle discovered that there was a mix of information in the researched ordinances. Some townships had rentals as conditional use, some did not specify any information, and others permitted use in all districts. There was no consistency across the ordinances, other than the short term rental time frame, if specified, was set to 14 days, except in the case of Keweenaw County, where the time frame was set to six months.

Only three had additional language defining criteria for the rentals. This led to the question, "What is the problem with short term rentals in Chocolay?" Throenle stated he could not separate language for short term rentals from long term, as the only distinction between the two was time. Throenle recommended language to be added to the zoning ordinance that states "*Rentals for a fee are permitted in all districts*" to remove the distinction between short term and long term rentals.

Commission Discussion

Kangas felt it was an easy solution but doesn't make the problem go away. He felt it didn't address issues such as trespassing and garbage. Throenle stated it wasn't just a rental problem for those issues as they happen to home owners as well.

Rhein felt if the ordinances were dealt with and put in place the local authorities could handle any issues accordingly.

Meister felt garbage is covered under junk and goes back to the owner to be held accountable. Throenle stated that people complain but there is no documented proof of violations or citations, so he asked if it is perceived or an actual problem in the Township. Mahaney also felt there may be issues but just not known/heard of.

Milton asked about inspections, Throenle commented that the Township would have to have people contracted out to do this. If this were to be followed, then inspections for both long and short term rentals would have to take place.

Throenle also stated that hotels in Marquette are taking on a new direction. They are going for the extended stay, which is basically a short term rental with a desire to meet the needs of business travelers and other that want different types of accommodations.

Kangas and Rhein felt his wouldn't be the end of the short term rental discussion as those opposed would continue with their attempts. Mullen-Campbell felt the ordinances would be a good place to start in moving forward with this plan. Milton felt they shouldn't be able to tell people what to do with their property.

Commission Decision

Mahaney suggested Throenle move forward with a recommendation for the Commission for the January meeting.

IX. PUBLIC COMMENT

Chad Laurich, 512 County Road 480 – He is for short term rentals, has one across the street from him. It was an old, vacant house and has been fixed up. The outside has been landscaped and it is good to see people using it.

Public comment closed 9:12.

X. COMMISSIONER'S COMMENTS

Rhein – None

Milton – If you want to make noise, you can get a blasting permit for \$1

Kangas – None

Smith – None (Absent)

Meister – Was nice to see the violation reports added to the packet, allows to get more information

Mullen-Campbell – Merry Christmas

Mahaney – Merry Christmas

DIRECTOR'S REPORT

Throenle –Need to start thinking about the election of the executive positions for the Planning Commission for January, as by the law, it needs to be discussed in January.

He stated the tablets are here, they are getting set up. He stated they may be available for the January meeting but for sure by the February meeting. He wished everyone a Merry Christmas and Happy New Year!

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Minutes – Marquette City Planning Commission, 11.14.17
- B. Minutes – Marquette City Planning Commission, 11.21.17
- C. Minutes – Township Board minutes, 11.13.17
- D. Correspondence – Mulcahey # 1
- E. Correspondence – Mulcahey # 2

XII. ADJOURNMENT

Mahaney adjourned the meeting at 9:15 pm.

Submitted by:

Planning Commission Secretary
Donna Mullen-Campbell