



CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION AGENDA
Monday, June 19, 2023 – 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

Ryan Soucy (Chair)

George Meister (Vice Chair)

Donna Mullen-Campbell (Secretary)

Rebecca Sloan (Vice Secretary)

Don Rhein (Board Representative)

Stephanie Gencheff

Kendell Milton

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

IV. MINUTES

A. May 15, 2023 Meeting

V. PUBLIC COMMENT

Limit of three minutes per person.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed Zoning Ordinance Definitions

1. Staff introduction
2. Commissioner discussion
3. Commissioner decision

B. Proposed Agriculture Zoning District Language

1. Staff introduction
2. Commissioner discussion
3. Commissioner decision

C. Proposed Land Uses

1. Staff introduction
2. Commissioner discussion
3. Commissioner decision

VIII. NEW BUSINESS

A. Conditional Use Permit CU 23-19 – 6565 US 41 South

1. Staff introduction
2. Public hearing - Conditional Use Permit CU 23-19 6565 US 41 South
3. Commissioner discussion
4. Commissioner decision

B. Rezoning Application 34 23-19 – 537 West Branch Road

1. Staff introduction
2. Public hearing - Rezoning Application 34 23-19 537 West Branch Road
3. Commissioner discussion
4. Commissioner decision

IX. PUBLIC COMMENT

Any item of interest – limit 3 minutes per person

X. COMMISSIONER’S COMMENTS

XI. DIRECTOR’S REPORT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Township Board Minutes – 05.08.23
- B. Township Newsletter – May 2023
- C. Marquette County Planning Commission minutes 04.05.23
- D. Marquette County Planning Commission minutes 05.03.23
- E. City of Marquette Planning Commission minutes 05.02.23

XIII. ADJOURNMENT

Planning Commission Rules for Public Hearings and Public Comment

1. Please wait for the Planning Commission Chair to acknowledge you before speaking. Individuals not following this rule are subject to dismissal from the meeting.
2. Individuals must state their name and address for the record. Individuals representing an organization must state their name and the organization they represent for the record.
3. Give your comments, opinion and / or question on the issue being addressed. Please stay on topic or you may be ruled out of order.
4. Due to a full agenda, and to ensure that everyone has time to speak, the Commissioners will limit comments to a timed limit per person. For the same reasons, please be as brief as possible and try not to repeat what has been said by others before you.
5. No person can grant his or her time to another speaker.
6. Please be as factual as possible and do not make comments on the character of people.
7. Planning Commissioners and Township staff members are not required nor expected to respond to comments, opinions and/or questions from the floor.



**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, May 15, 2023 Minutes

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 6:00 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
George Meister (Vice Chair)
Rebecca Sloan (Vice Secretary)
Don Rhein (Board)
Stephanie Gencheff
Kendall Milton

Members absent at roll call:

Donna Mullen-Campbell (Secretary)

Staff present:

Richard Bohjanen (Township Supervisor), Bill DeGroot (Township Manager), Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Rhein requested that new business agenda items be moved before the unfinished agenda items.

Rhein moved, Gencheff seconded, to approve the agenda as changed.

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

A. April 17, 2023 Meeting

Meister moved, Gencheff seconded, to approve the April minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

V. Public Comment

Maggie Johnson, 317 Lakewood Lane

Spoke in support of permitting detached accessory dwelling units in the Township.

VI. Presentations

None

VII. New Business

A. Conditional Use Permit CU 23-11 – JX Truck Center

Meister stated he had a potential conflict of interest with the project as he is employed by GEI and he was involved in the site plan for the project. The Commissioners voted to recuse him from the discussion.

Meister moved, Rhein seconded, to recuse Meister from the conditional use discussion.

Vote: Ayes: 6 Nays: 0 Motion carried

Staff Introduction

Throenle stated the reason for the conditional use request was that JX Trucking is changing the use of the former Blondeau property from the existing use of a trucking facility to a truck sales and rentals, truck repair, and parts sales at the location.

Public Hearing

Commissioner Decision

Rhein moved, Sloan seconded, to open the public hearing.

Vote: Ayes: 5 Nays: 0 Motion carried

Public Comment

Olivia Carlson, 160 East Wright Street

Had questions regarding the replacement of the fence between the project parcel and her property.

Nancy Fradette, 126 West Terrace

Spoke on both her and her husband's behalf. She stated that they had written comments on the project (included with the agenda materials), and wanted to reinforce their position that they were opposed to the project, especially regarding water concerns, noise, and diesel fumes.

James Fradette, 126 West Terrace

He added to his wife's comments that he was concerned about fuel dumping on site as part of the new project and expressed concerns regarding the effect on his well.

Carl Besola, 6262 US 41 South

He spoke in support of the project.

Commissioner Decision

Rhein moved, Sloan seconded, to close the public hearing.

Vote: Ayes: 5 Nays: 0 Motion carried

Commissioner Discussion

Throenle reviewed the documents presented in the packet regarding the project. He

stated the project would be located in the commercial zoning district with the addition of the mixed use overlay district. He stated there were no staff objections to the project; however, staff recommended that the proposed extended hours be shortened to 11 PM to conform with the times detailed in Township *Ordinance 68*.

Soucy requested an overview of the project from the applicant.

The applicant stated that there would not be any fuel on site, and that the applicant operates in similar zoning districts throughout their service area. The applicant stated that they have been in business since 1970 and did not have any violations in any of their locations. The applicant added that they have 1,350 employees and are located in four states. He added they are moving their operations from Negaunee and a showroom would be added to the current building on the site.

Soucy went through the standards outlined in the packet and explained that the standards were part of the conditional use process. He read the first standard and the related staff comments. Milton stated he had no problem with the first standard.

Sloan asked how many trucks would be entering and exiting the site, and if the traffic was coming off US 41 South. Gencheff asked if the trailers would be on trucks. The applicant stated that the traffic would be roughly 18 to 20 trucks, similar to what was there previously, with the limit being the number of bays available for repair. The applicant replied that the trucks would also include large delivery trucks, and possibly trucks with trailers.

Soucy asked the Commissioners about the proposed hours. Commissioners decided that the hours should be set to 11 PM; the applicant stated that would not be a problem.

Soucy asked about the due care compliant plan. The applicant stated that the plan was in place for the previous owner, and that the new owner would comply with all parts of the plan.

Sloan asked about the above ground tank removal; the applicant stated that the tank would be removed. Gencheff asked about the removal of contaminated soil; the applicant stated that the soils had been remediated in the past and were still being analyzed to ensure removal of any contamination.

Gencheff asked if the contaminated area would be paved over; the applicant stated yes, and that it would limit infiltration of surface water to the contaminated area. Sloan asked if the contaminated soils would be removed prior to the paving; the applicant stated that they would remove the soil if any contaminated soils were found.

Gencheff asked about storage of hazardous waste. The applicant responded that there will be an above ground tank for oil disposal and batteries, both of which will be removed from the site by licensed contractors.

Soucy asked about existing or proposed floor drains. The applicant responded that there are drains in the existing building within the shop floor and in the restrooms, but not in areas where there would be hazardous materials.

Soucy asked about the first condition as discussed. Commissioners agreed that there was not an issue with that.

For the second standard, Soucy asked about the use changing the character of the surrounding area; Commissioners did not have a problem with that.

For the third standard, Soucy asked about the potential interference with the general enjoyment with adjacent properties. Rhein stated that there would be an improvement based on what the applicant has presented. Sloan added that it met the general usage of the commercial district.

For the fourth standard, Soucy asked if the property would be improved; Commissioners agreed that it would.

For the fifth standard, Soucy asked if the use would be hazardous to neighboring properties. Rhein felt that the applicants addressed that adequately. Gencheff asked about the storage of diesel fuel; the applicant stated that there would not be a use for diesel fuel on site. Commissioners agreed that hazards would not be an issue.

For the sixth standard, Soucy asked if the use would generate a need for additional government services. Gencheff asked about stormwater in the rear of the property; the applicant stated that a detention pond would be installed to capture the runoff. Commissioners agreed that there would not be a need for additional services.

For the seventh standard, Soucy asked if the use met the general conditions of the zoning ordinance and master plan; Commissioners agreed that it did.

For the eighth standard, Soucy asked if the use met the requirements of Federal, State and other local ordinances; Commissioners agreed that it did.

Soucy asked the applicant if applications were in for all other required permits; the applicant replied they were in progress.

Soucy asked the Commissioners if there were any conditions to add to the use; Rhein responded that the 11 PM deadline for the proposed hours should be included.

Commissioner Decision

Soucy moved, Rhein seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-11, 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 Township Zoning Ordinance, the Planning Commission approves Conditional Use Permit 23-11 with the following conditions:

- 1) *Shall not commence repair operations between 11 PM and 7 AM.*

Vote: Ayes: 5 Nays: 0 Motion carried

B. Final Site Plan Review Application SR 23-12 – JX Enterprises, Inc.

Staff Introduction

Throenle reviewed the final site plan staff report for the JX Truck Center regarding a proposed trucking facility that will be located on US 41 South at the former Blondeau property. He stated that the plan was for a facility that would sell, rent, and repair trucks, and that would also be set up to sell truck parts. He requested that the applicant provide

more detail on snow removal and stormwater flow, and suggested that the applicants consider permeable solutions where possible for the project.

Commissioner Discussion

Gencheff asked about the retention pond location; the applicant stated that it would be located in the far east corner of the parcel as shown on page C-130 of the submitted site plans. Soucy stated he was not clear as to how drainage would go to the north of the property as shown on C-120; the applicant stated that C-120 showed existing, and page C-150 showed the proposed.

Soucy asked about snow storage and dumpster location. The applicant stated that C-130 showed the dumpster location. The applicant stated that snow storage would be moved to the south if necessary.

Sloan asked about the parking spots along the rear of the property; the applicant stated that the parking spots were not in the setback.

Sloan asked about the entrance into the property. The applicant stated that the easement was north of the Dry Dock.

The applicant presented the plan starting with page G-130. The applicant started with the traffic flow into the property. The applicant added that trucks in for repair would be located in the back of the property. The applicant stated that the north cut-through to the surrounding neighborhood would be removed and sodded, and that a fence would be installed as a separation between the applicant and the neighbors.

The applicant stated that the contractors and all working on the site would be required to follow the due care compliant plan.

The applicant explained the details of the architectural plans shown on the plans. The applicant added that a business sign would be placed on the property so that traffic on the highway could see it.

The applicant covered removal and demolition, including the above ground tanks, parking, paving, and general location of items on the site.

The applicant covered snow storage and general site grading. Soucy asked where the stormwater went after it left the site; the applicant stated it went into a wet area, then eventually into the creek.

The applicant covered the utility plan, including the water and sewer connections, and landscaping.

The applicant stated that the lighting would be contained within the property. Rhein asked if the lighting would be downcast; the applicant stated yes. Gencheff expressed a concern that there would be a large casting distance based on the location on the poles. The applicant stated that the lights would be casting light toward the site that would provide site security and site safety.

Soucy asked if there would be a key provided for the fire department for site access; the applicant stated that a lock box would be provided.

The applicant covered the site boring details and the remaining construction areas.

Gencheff asked about the fencing; the applicant stated that it would be either a wood or vinyl privacy fence. Gencheff asked if there was a problem with the fencing in relation to the light at other locations. The applicant stated that the truck lights would not be an issue as they are generally three feet or less in height. Gencheff expressed a concern that the residents will see the light; Sloan added that the residents will see the ambient light. Sloan asked if the lights could be further in from the setback; the applicant stated that it would create a problem for snow removal and movement on the site based on the concrete base for the lights.

Soucy asked the capacity size of the detention pond. The applicant stated that it was sized to contain nearly the same amount of discharge that is currently being discharged from the site.

Commissioner Decision

After Commissioner review, Rhein moved, Sloan seconded, that Site Plan Review Application SR 23-12 be approved as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

C. Planning Commission Training – Site Plan Review.

Staff Introduction

Township Manager Bill DeGroot presented training materials on site plan review as the Planning Commissioners requested.

Sloan asked about the concerns about stormwater. DeGroot stated that stormwater should be considered regardless of what other agencies did as the Township should be concerned with the effects. Meister added that the County Drain Commissioner did not do site plan reviews for stormwater, and that those plans would be sent to outside consultants to make that determination. Bohjanen added that the Township responsibility included protecting neighbors.

DeGroot asked about future topics. Gencheff expressed an interest in training regarding attached and detached dwellings. DeGroot stated that training could be presented in the future. DeGroot also stated that natural features would be a great topic in the future.

VIII. Unfinished Business

A. Proposed Zoning Ordinance Definitions

Staff Introduction

Throenle stated that the definitions presented were from previous meetings. He asked if there were specific definitions that needed to be changed versus addressing each definition.

Meister stated that the definitions needed to be finished. Sloan asked if the definitions should be done as homework and brought back to the next meeting.

Throenle explained the highlighting found in the document. Throenle suggested that Commissioners look at the definitions prior to the next meeting and complete the

definitions by the next meeting.

Gencheff asked about communication towers as essential services; Throenle explained that private wireless towers would not be considered essential towers as much as the towers for public use.

Soucy requested staff look at the State-oriented definitions to determine what changes should be included.

Meister commented on the accessory dwelling unit. He requested that the regulation be removed from the definition, and that the accessory dwelling unit definition should be removed.

Meister recommended that all definitions that are not used should be removed from the definitions. Soucy agreed, with the understanding that the definitions could be brought back as needed.

Commissioners stopped the discussion on page three of the provided document.

Soucy stated that the rest of the definitions would be tabled until the next meeting.

B. Proposed Agriculture Zoning District Language

Soucy tabled this item until a future meeting.

IX. Public Comment

Maggie Johnson, 317 Lakewood Lane

Spoke about concerns about the increase in traffic to the new trucking site and where parking would be for the new project location and the Dry Dock Bar & Grill as the Dry Dock increases its business.

X. Commissioner's Comments

Rhein

No comments.

Sloan

No comments.

Milton

No comments.

Soucy

Expressed a "good work" compliment to the Commissioners.

Meister

Expressed that he wanted to see faster progress on getting the ordinance completed. Soucy added that a work session would be scheduled if significant progress was not made at the next meeting.

Gencheff

Expressed that she was in the middle of a deep learning curve; other Commissioners expressed that she was doing well with that progress.

XI. Director's Report

Planning / Zoning Administrator Throenle

Throenle stated that the zoning ordinance updates for the Industrial zoning district were approved by the Board and would be official before the end of May. He added that there will be a conditional use hearing on the agenda for June related to that zoning ordinance update.

Throenle stated there was a virtual training opportunity available that Commissioners could attend and that the details were available at the Commissioner's table.

He added that the Commissioners each had a book in front of them that had a copy of the zoning ordinance, master plan, and other documents that would serve as reference materials for future meetings.

Throenle stated that FEMA published notices in the *Mining Journal* that the flood plain maps are in the process of being updated, and that comments to FEMA would be open until August. He added that those in the flood plain would be required to purchase insurance if they have a Federally backed mortgage or if their bank requires it. He added that an elevation study for an owner's property could reduce the cost of the insurance for that property.

Throenle asked the Commissioners what items they would like to see on the agenda for June. He added that there would be a conditional use hearing for the meeting.

Commissioners decided that three items should be on the agenda:

- 1) Conditional use hearing
- 2) Definitions starting with "D"
- 3) Agriculture district discussion

Throenle thanked the Commissioners for their efforts for the site plan review during the meeting.

XII. Informational Items and Correspondence

- A.** Township Board minutes – 04.10.23
- B.** Township Newsletter – April 2023
- C.** Marquette County Planning Commission minutes 04.18.23

XIII. Adjournment

Rhein moved, Sloan seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 7:47 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

DRAFT



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

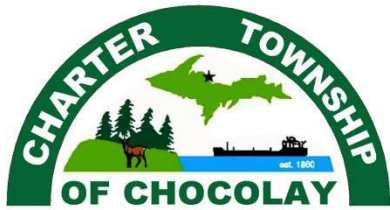
Phone: 906-249-1448

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Agenda Item: VII.A Proposed Zoning Ordinance Definitions

Suggested Motion

After Commissioner review, _____ moved, _____ seconded, that the proposed zoning ordinance definitions be approved as [presented / revised].



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

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Issue Brief: Proposed Zoning Ordinance Definitions

Meeting: Planning Commission Meeting

Date: June 19, 2023

Issue Summary

Additional definitions from the current Township *Zoning Ordinance* require a review to determine if the definitions should be included or revised for the zoning ordinance rewrite.

Background

Commissioners completed a draft review of the definitions in Section II of the Township *Zoning Ordinance*; additional definitions were also found in other sections of the zoning ordinance that require a review for the new ordinance.

Commissioners tabled the discussion at the March meeting until the April meeting and began the review at that meeting.

At the May meeting, Commissioners decided to remove the definitions that were not used in the text of the current zoning ordinance, with the understanding that the definitions could be used in the future if necessary.

Staff Research

Staff compiled a document that contains definitions found in other sections in the zoning ordinance that either do not exist in Section II *Definitions and Diagrams*, or the definition has different language than the definition in Section II, and removed all definitions that were not found in the text of the zoning ordinance. Sections where additional definitions were found are:

- 5.5 Mixed Use Overlay District
- XII. Site Condominium
- 18.11 Fences

Definitions that are highlighted in yellow are duplicate names with different definition text.

Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Evaluate the definitions in the attached document to determine if the definition should be retained, and if so, determine if the language needs to be revised.
- 2) Review the highlighted definitions to determine language that should be used for those definitions.

Author: Dale Throenle

Date: June 2, 2023

Attachments

1. *Zoning Ordinance definitions for review*



II. Definitions and Diagrams

B

Bar, tavern, or other alcohol service establishment (zoning ordinance section 5.5 Mixed Use Overlay District)

A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages.

This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as a principal use. Examples of such uses include, but are not limited to bars, taverns, cocktail lounges, or nightclubs.

Business office (zoning ordinance section 5.5 Mixed Use Overlay District)

An office is a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices.

Offices exclude manufacturing activities.

C

Condominium Act (current zoning ordinance section 12 Site Condominium)

Means Act 59 of 1978, as amended.

Condominium master deed (current zoning ordinance section 12 Site Condominium)

Means the condominium document recording the site condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium plan for the project.

Condominium lot (current zoning ordinance section 12 Site Condominium)

Shall mean the same as “site condominium unit.”

Condominium subdivision plan (current zoning ordinance section 12 Site Condominium)

Means the site, survey and utility plans; floor plans’ and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, boundaries’ acreage and volume for each condominium unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common space elements.

Condominium unit

The portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

The owner of a condominium unit also owns a share of the common elements.

The term "condominium unit" shall be equivalent to the term "lot" or “building site”, for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.

Condominium unit (see other definition of Condominium unit) (current zoning ordinance section 12 Site Condominium)

Means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

Contractible site condominium (current zoning ordinance section 12 Site Condominium)

Means a site condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

Contractor

A person who contracts to furnish supplies or work at a certain price or rate.

Contractor shop

An enclosed space used for housing, operating, and maintaining, of equipment and fabrication of building-related products.

Conversion site condominium

Means a site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

D

Day care center

Facility, other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

Daycare center (see Day care center) (current zoning ordinance section 5.5 Mixed Use Overlay District)

A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child.

Drive-through facility accessory to a principal use (current zoning ordinance section 5.5 Mixed Use Overlay District)

A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Dwelling unit in a mixed-use building (current zoning ordinance section 5.5 Mixed Use Overlay District)

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

E

Entertainment and recreation facility (current zoning ordinance section 5.5 Mixed Use Overlay District)

A place of business providing entertainment or recreation services such as bowling alleys, health or sports clubs, movie theatres, billiards parlors, dance halls, or video arcades.

Expandable site condominium (current zoning ordinance section 12 Site Condominium)

Means a site condominium project to which additional land may be added pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

F

Fence (current zoning ordinance section 18.11 Fences)

Means any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, within or along the bounds of a lot or parcel.

Fence Height (current zoning ordinance section 18.11 Fences)

Means the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence.

Fence Material (current zoning ordinance section 18.11 Fences)

Means the product that is used to construct said fence, including wood, metal, plastic, or vegetation.

Fence Setback (current zoning ordinance section 18.11 Fences)

Means the distance from the property owner's property line to the fence.

Ground coverage ratio

The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot.

The percentage of lot area includes the area of balconies, bay windows, breezeways, decks, patios not more than six inches above grade, and porches.

The ratio calculation does not include carports and garages.

M

Multi-family dwelling

A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities.

This definition does not include bed and breakfasts, group day care facilities, group day care homes, hospitals, hotels, nursing homes, registered rental dwellings or resorts.

Multiple-family dwelling unit (see definition Multi-family dwelling) (current zoning ordinance section 5.5 Mixed Use Overlay District)

A unit in a building used exclusively for residential purposes containing two or more residential dwelling units.

A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

Note Not used in the ordinance

O

Office building (new)

A building used primarily for offices that may include ancillary services for office workers, such as a restaurant or coffee shop.

P

Person (current zoning ordinance section 18.11 Fences)

Means an individual, firm, corporation, or other entity of any kind.

Private road

A road or driveway on private property, limited to the use of the owner or a group of owners who share the use and maintain the road without help in maintaining the road from the Township, County or State.

Rural character

The patterns of land use and development where open space, natural landscapes, and vegetation are predominant over the built environment.

Rural Cluster Development Subdivision

A residential development that encourages the preservation of open space and natural features incorporated into a subdivision. A higher density is permitted on one-half (1/2) of the site, with the balance of the land left as open space.

S

School (current zoning ordinance section 5.5 Mixed Use Overlay District)

A facility offering instruction at the pre-school through high school level.

Setback

The distance a house or structure must be from the front, side and rear property lines.

Site Condominium (current zoning ordinance section 12 Site Condominium)

Shall be equivalent to the term “subdivision” as used in the Zoning Ordinance and the Subdivision Control Ordinance.

State licensed residential facility (current zoning ordinance section 5.5 Mixed Use Overlay District)

Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act).

This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

V

Variance

A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals.



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

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Agenda Item: VII.B Proposed Agriculture Zoning District Language

Suggested Motions

With intention to amend the current Township Zoning Ordinance:

After Commissioner review, _____ moved, _____ seconded, that the proposed agriculture zoning district language be approved as [presented / revised] and that the proposed language be presented for a public hearing at a future Planning Commission meeting.

With no intention to amend the current Township Zoning Ordinance:

After Commissioner review, _____ moved, _____ seconded, that the proposed agriculture zoning district language be approved as [presented / revised].



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Issue Brief: Proposed Agriculture Zoning District Language

Meeting: Planning Commission Meeting

Date: June 19, 2023

Issue Summary

Proposed agriculture zoning district ordinance language.

Background

Research in 2018 provided an analysis of the non-conforming parcels within the Township. Primary concern from that analysis was the percentage of non-conformance in the AF zoning district. Additional concerns were raised regarding the minimum lot width requirement, especially in the R-1, R-2 and WFR zoning districts.

Additional information has been added to the 2018 research that showed the impact of reducing the size of the AF parcels from the 20 acres minimum that is in the current zoning ordinance. Three suggested ranges were used: 10 acres, 5 acres, and 2 acres. Each range showed the number of remaining non-conformances and the reduction in the number of non-conforming parcels.

Additional information was added to the 2018 research that showed the impact of reducing the lot size minimum from 125 feet to 100 feet in the R-1 and WFR zoning districts. R-1 was split into two sections; the first was R-1 with sewer connections and the second was R-1 with no sewer connections. The current zoning ordinance specifies a change in minimum lot size from 25,000 square feet to 18,750 square feet if the property is connected to the sewer system.

Additional documents were added for Commissioner review. Zoning ordinance extracts and maps were taken from three townships (Empire, Glen Arbor, and Lake) for language considerations and to show different ways that the acreage discussion has been implemented. The townships were chosen based on similarity to Chocolay Township in population and geography.

To aid in the discussion, the Commissioners received an extract from the 1977 Township zoning ordinance that showed the zoning designations for each zoning district. This extracted data was further summarized in a document that compared the 1977 classifications with the current zoning ordinance classifications.

A map was developed that showed the zoning districts from 1977. A draft version of the 2008 zoning map was also provided.

A map showing the non-conformances by zoning district was included for discussion purposes.

A document was included that outlined proposed changes to sections 6.1 and 6.2 of the Township *Zoning Ordinance*. The proposed changes included a rewrite of existing language, removal of footnotes under the table in 6.1, and a table with the proposed changes in zoning district names, lot sizes and setbacks.

At the October 2022 meeting, Commissioners requested maps showing the various acreage sizes throughout the Agriculture / Forestry (AF) zoning district. Attached maps for this request show the acreage sizes in six size categories:



- less than two acres
- two to five acres
- five to ten acres
- ten acres to fifteen acres
- fifteen acres to 20 acres
- over 20 acres.

Staff prepared an analysis of the percentage of change in the AF district. The attached analysis shows the reduction in non-conforming parcels in the AF district based on parcel acreage size. The analysis acreages are:

- 20 acres
- 10 acres
- 5 acres

At the November 2022 meeting, the topic was tabled until an opinion could be obtained from the Township attorney regarding the rezoning of parcels in the AF district to different acreage sizes.

At the February 2023 joint meeting the Township attorney gave a presentation related to the process of rezoning the AF properties, which gave the Commissioners the ability to return to the non-conformance discussion.

At the February 2023 regular meeting Commissioners requested the table that included percentage of reductions in non-conformances be included as part of the March agenda materials.

At the March meeting, Commissioners reviewed recommendations for splitting the current AF zoning district into three separate districts. Commissioners requested additional details on these districts at a future meeting.

Staff Research

Staff has prepared a document showing the proposed agriculture zoning districts, using the details from the recommendations presented in March and the current Township Zoning Ordinance uses (see attached). Staff has also combined those recommendations into a comparison document (see attached).

Staff has included the recommendation table from the March meeting for reference purposes.

Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Review the proposed zoning ordinance language and uses.
- 2) Come prepared with ideas to review the intent language, parcel sizes, and uses for each district.

Author: Dale Throenle

Date: June 2, 2023

Attachments

1. *Proposed Agriculture Zoning Districts*
2. *Proposed Agriculture Zoning District Comparisons*
3. *Proposed AF districts*

Proposed Agriculture Zoning Districts

AG 1 – Agriculture 1

Intent

The intent of this district is to accommodate low-density residential and agriculture-related development.

Acres and Setback Requirements

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
0.5 to 3 acres	75 feet	30	10	30

District Uses

Legend

Use

C	conditional use	C ***	conditional use – 60 acres or more
C *	conditional use – 20 acres or more	P	permitted use
C **	conditional use – 40 acres or more	P *	permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	C

Proposed Use	2008 Ordinance	Proposed
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	C
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed fertilizer, herbicide, and pesticide sales garden center plant nursery rental and small equipment repair		C
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	C
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		C

Proposed Use	2008 Ordinance	Proposed
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Auto repair shop		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Child and adult care <i>Examples</i> adult foster care family home providing care to not more than six adults day care center with not more than six children family day care home for not more than six children foster family group home providing care to not more than six children other State licensed residential facility providing residential services for six or fewer individuals under 24 hour supervision or care		C
Community garden as a principal use on a lot		C
Contractor shop	C	C
Contractor yard	C	C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Farmer's market as the accessory use of a lot		C
Farmer's market as the principal use of a lot		C
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *
Mining and / or mineral extraction and the incidental activities associated with such use	C	C

Proposed Use	2008 Ordinance	Proposed
Mobile processing facility <i>Examples</i> food game processing meat processing		C
Multi-family residential		C
Nursing home		C
On-site composting accessory to a non-residential use		C
Outdoor storage – not accessory to a business		C
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Planned Unit Development (PUD)	C	C
Private park	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C

Proposed Use	2008 Ordinance	Proposed
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment) personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods		C
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development subdivisions	C	C
Sawmill		C
Single family residential	P	P
Site condominiums		P
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
Temporary street / road sale <i>Examples</i> garage sale lemonade stand		P

Proposed Use	2008 Ordinance	Proposed
yard sale		
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

District Restrictions and Prohibitions

1. No animal farming or riding activity.
2. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.

District Regulatory Control

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)

AG 2 – Agriculture 2

Intent

The intent of this district is to accommodate medium-density residential and agriculture-related development.

Acres and Setback Requirements

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
3 acres to 10 acres	150 feet	30	30	30

District Uses

Legend

- | | | | |
|-------------|------------------------------------|--------------|------------------------------------|
| C | conditional use | C *** | conditional use – 60 acres or more |
| C * | conditional use – 20 acres or more | P | permitted use |
| C ** | conditional use – 40 acres or more | P * | permitted use – 20 acres or more |

Proposed Use	2008 Ordinance	Proposed
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy	P	P

Proposed Use	2008 Ordinance	Proposed
medical records processing phone answering / solicitation service web design		
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	C
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed fertilizer, herbicide, and pesticide sales garden center plant nursery rental and small equipment repair		P
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	C

Proposed Use	2008 Ordinance	Proposed
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		P
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Auto repair shop		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Child and adult care <i>Examples</i> adult foster care family home providing care to not more than six adults day care center with not more than six children family day care home for not more than six children foster family group home providing care to not more than six children other State licensed residential facility providing residential services for six or fewer individuals under 24 hour supervision or care		C
Community garden as a principal use on a lot		C

Proposed Use	2008 Ordinance	Proposed
Contractor shop	C	C
Contractor yard	C	C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Farmer's market as the accessory use of a lot		P
Farmer's market as the principal use of a lot		P
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *
Mining and / or mineral extraction and the incidental activities associated with such use	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		C
Multi-family residential		C
Nursing home		C
On-site composting accessory to a non-residential use		P
Outdoor storage – not accessory to a business		C
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Private park	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research	C	C

Proposed Use	2008 Ordinance	Proposed
dance driver's training K-20 music vocational		
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Retail food and drink can include indoor entertainment <i>Examples</i> bakery bar brewpub coffee shop delicatessen ice cream store microbrewery nightclub restaurant soup kitchen tavern		C
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery		C

Proposed Use	2008 Ordinance	Proposed
non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment) personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods		
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development subdivisions	C	C
Sawmill		C
Single family residential	P	P
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

District Restrictions and Prohibitions

1. Limit of one domestic animal per acre.
2. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
3. No Planned Unit Development (PUD) permitted.

District Regulatory Control

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)

AG 3 – Agriculture 3

Intent

The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

Acres and Setback Requirements

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
10 acres or more	200 feet	30	30	30

District Uses

Legend

C	conditional use	C ***	conditional use – 60 acres or more
C *	conditional use – 20 acres or more	P	permitted use
C **	conditional use – 40 acres or more	P *	permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	C
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping	C	P

Proposed Use	2008 Ordinance	Proposed
cold frame greenhouse garden greenhouse herb farm hobby farm hoop house		
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed fertilizer, herbicide, and pesticide sales garden center plant nursery rental and small equipment repair		P
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	P
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		P
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P

Proposed Use	2008 Ordinance	Proposed
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		P
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Auto repair shop		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course theme park zoo	C	C
Community garden as a principal use on a lot		C
Contractor shop	C	C
Contractor yard	C	C
Culture center <i>Examples</i> art gallery library museum		C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Farmer's market as the accessory use of a lot		P
Farmer's market as the principal use of a lot		P
Food truck or other mobile vendor as accessory use of a lot		C
Food truck or other mobile vendor as principal use of a lot		C
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *
Large housing Note Does not include: child or adult care correctional facility family day care home hotel, motel, or similar lodging facility group day care home medical or social care		C

Proposed Use	2008 Ordinance	Proposed
multifamily residential <i>Examples</i> co-op convent fraternity or sorority monastery seminary		
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter		C
Medical clinic		C
Medical hospital		C
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services		C
Mining and / or mineral extraction and the incidental activities associated with such use	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		C
Nursing home		C
On-site composting accessory to a non-residential use		P
Outdoor flea market		C
Outdoor food preparation		C
Outdoor storage – not accessory to a business		C
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Private park	C	C
Private school <i>Examples</i> art associated education research dance	C	C

Proposed Use	2008 Ordinance	Proposed
driver's training K-20 music vocational		
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Racetrack <i>Examples</i> ATV dirt bike snowmobile vehicle	C	C
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Retail food and drink can include indoor entertainment <i>Examples</i> bakery bar brewpub coffee shop delicatessen		C

Proposed Use	2008 Ordinance	Proposed
ice cream store microbrewery nightclub restaurant soup kitchen tavern		
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment) personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods		C
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development subdivisions	C	C
Sawmill		C
Single family residential	P	P
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

District Restrictions and Prohibitions

1. No Planned Unit Development (PUD) permitted.
2. No divisions allowed under PA116 or Qualified Forestry Program Property.
3. No land divisions beyond the Michigan Land Division Act for parent parcels.
4. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.

District Regulatory Control

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
3. Michigan Land Division Act
4. Michigan PA 116

Proposed Agriculture Zoning Districts Comparisons

Intent Comparison

District	Intent
AG 1	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 2	The intent of this district is to accommodate medium-density residential and agriculture-related development.
AG 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

Acreage and Setback Requirements Comparison

District	District Acreage	Frontage Minimum	Setbacks (in feet)		
			Front	Side	Rear
AG 1	0.5 to 3 acres	75 feet	30	10	30
AG 2	3 acres to 10 acres	150 feet	30	30	30
AG 3	10 acres or more	200 feet	30	30	30

District Uses Comparison

Legend

Zoning District

AG 1 Agriculture – 0.5 to 3 acres **AG 2** Agriculture – 3 to 10 acres **AG 3** Agriculture – 10 acres or more

Use

C conditional use **C*** conditional use – 20 acres or more **C**** conditional use – 40 acres or more **C***** conditional use – 60 acres or more
P permitted use **P*** permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
Accessory dwelling unit	C	P	P	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	C	C	C
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm	C	C	P	P

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
hoop house				
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed fertilizer, herbicide, and pesticide sales garden center plant nursery rental and small equipment repair		C	P	P
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	C	C	P
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		C	P	P

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	P
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	C
Auto repair shop		C	C	C
Boarding stable <i>Example</i> horse boarding		P *	P *	P *
Campground	C *	C *	C *	C *
Cemetery		C	C	C
Child and adult care <i>Examples</i> adult foster care family home providing care to not more than six adults day care center with not more than six children family day care home for not more than six children foster family group home providing care to not more than six children other State licensed residential facility providing residential services for six or fewer individuals under 24 hour supervision or care		C	C	

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course theme park zoo	C			C
Community garden as a principal use on a lot		C	C	C
Contractor shop	C	C	C	C
Contractor yard	C	C	C	C
Culture center <i>Examples</i> art gallery library museum				C
Craft brewery / micro-brewery / nano-brewery sales		C	C	C
Electric vehicle charging station for private use		P	P	P
Electric vehicle charging station for public use		C	C	C
Farmer's market as the accessory use of a lot		C	P	P
Farmer's market as the principal use of a lot		C	P	P
Food truck or other mobile vendor as accessory use of a lot				C
Food truck or other mobile vendor as principal use of a lot				C
Hunting or shooting preserve	C **	C **	C **	C **
Indoor sport shooting range		C	C	C
Kennel	C *	C *	C *	C *
Large housing Note Does not include: child or adult care correctional facility family day care home hotel, motel, or similar lodging facility group day care home medical or social care multifamily residential				C

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
<i>Examples</i> co-op convent fraternity or sorority monastery seminary				
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter				C
Medical clinic				C
Medical hospital				C
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services				C
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		C	C	C
Multi-family residential		C	C	
Nursing home		C	C	C
On-site composting accessory to a non-residential use		C	P	P
Outdoor flea market				C

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
Outdoor food preparation				C
Outdoor storage – not accessory to a business		C	C	C
Outdoor wood boiler	P	P	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C	C	C
Planned Unit Development (PUD)	C	C		
Private park	C	C	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public park <i>Examples</i> neighborhood park public garden		C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C	C	C
Public school <i>Examples</i> art associated education research dance driver's training K-20	C	C	C	C

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
music vocational				
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P	P	P
Racetrack <i>Examples</i> ATV dirt bike snowmobile vehicle	C			C
Recycling drop off site		C	C	C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P	P	P
Resort	C	C	C	C
Retail food and drink can include indoor entertainment <i>Examples</i> bakery bar brewpub coffee shop delicatessen ice cream store microbrewery nightclub restaurant		C	C	C

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
soup kitchen tavern				
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment) personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods		C	C	C
Riding stable or animal breeding facility accessory to a residence		C	C	C
Rural Cluster Development subdivisions	C	C	C	C
Sawmill		C	C	C
Single family residential	P	P	P	P
Site condominiums		P		
Solar energy system (SES) - roof mounted		P	P	P
Solar energy system (SES) - accessory ground mounted		P	P	P
Solar energy system (SES) - large commercial arrays		C	C	C

Proposed Use	2008 Ordinance	Proposed Permissions		
		AG 1	AG 2	AG 3
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C
Wind energy conservation system (WECS), ground mounted	C	C	C	C
Wind energy conservation system (WECS), roof mounted	C	C	C	C
Wildlife management	P	P	P	P
Wireless communication facility	C	C	C	C

District Restrictions and Prohibitions Comparison

District	Restrictions and Prohibitions
AG 1	<ol style="list-style-type: none"> 1. No animal farming or riding activity. 2. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
AG 2	<ol style="list-style-type: none"> 1. Limit of one domestic animal per acre. 2. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed. 3. No Planned Unit Development (PUD) permitted.
AG 3	<ol style="list-style-type: none"> 1. No Planned Unit Development (PUD) permitted. 2. No divisions allowed under PA116 or Qualified Forestry Program Property 3. No land divisions beyond the Michigan Land Division Act for parent parcels. 4. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.

District Regulatory Control Comparison

District	District Regulatory Control
AG 1	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 2	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 3	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD) 3. Michigan Land Division Act 4. Michigan PA 116

Suggested Added Uses Comparison

District	Suggested Added Uses
AG 1	<ul style="list-style-type: none"> • Bee keeping (will be covered under Ordinance 62 <i>Animal Control</i>) • Chickens (will be covered under Ordinance 62 <i>Animal Control</i>) • Green houses • Hoop houses • Planned Unit Development
AG 2	<ul style="list-style-type: none"> • Chickens (will be covered under Ordinance 62 <i>Animal Control</i>) • Commercial green houses • Community gardens • Hobby farm / Upick farm / herb farm • Hoop houses • One domestic animal per acre • Private riding stable
AG 3	<ul style="list-style-type: none"> • Commercial riding stable • Unlimited agriculture • Unlimited forestry

Proposed AF Districts

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Regulatory Control
AF 1	0.5 acres – 3 acres	75 ft min	30 feet front 10 feet side 30 feet rear	Residential / PUD / cluster Chickens, hoop houses, small grow sales, bee keeping, green house residential	animal farming/riding activity	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 2	Between 3 acres and 10 acres	150 ft min	30 feet front 30 feet side 30 feet rear	Residential / cluster One domestic animal per acre Chickens / fowl Hobby farm / Upick farm / herb farm Green house commercial, Private riding stable, Community gardens, AG retail store Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 3	≥ 10 acres	200 ft min	30 feet front 30 feet side 30 feet rear	Residential Unlimited agriculture Unlimited forestry Commercial riding stable Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD No divisions allowed under PA116 or Qualified Forestry Program Property No land divisions beyond the Michigan Land Division Act for parent parcels.	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD) Michigan Land Division Act Michigan PA 116

1977 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Zoning Intent
RR-1	2 acres	200	30 feet front 30 feet side 30 feet rear	Single-family dwellings Churches Schools Parks	Trails Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain an alternative residential environment in accessible rural areas at very low densities. (Section 207)
RR-2	5 acres	300	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber and the raising of livestock Agricultural produce, trees, shrubbery, flowers, etc. which are grown on the premises may also be marketed on the premises Detached single family dwellings are permitted on lots of five acres or more with 300 feet of lot width Boarding stables on lots of 20 acres or more	Resorts, bed & breakfast, riding stables, parks, trails, campgrounds, kennels, and day camps on lots of 20 acres or more Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more Recreational structures on lots of 40 acres or more Unlighted golf courses on lots of 60 acres or more Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain for low intensity use those areas which, because of their location and accessibility to existing utilities, paved public roads, community facilities, and public services, are suitable for wide range of very low density residential and recreational activities. (Section 208)

1977 Zoning Ordinance Extract (continued)

RP	20 acres	None	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber, livestock, riding or boarding stables, winter sports facilities, parks, agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more	Resorts, Bed & Breakfast, lodges, Campground and Day Camps on lots of 20 acres or more. And trails. Hunting and shooting preserves on lots of 20 acres or more . Kennels on 20 acres or more . Recreational structures on lots of 20 acres or more . Unlighted golf courses on lots of 60 acres or more . Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4) Wireless Communication Facilities subject to the conditions of Section 527.	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 212)
OS	20 acres	None	30 feet front 30 feet side 30 feet rear	Growing and harvesting of timber and bush fruit, and agricultural produce, livestock, and wildlife management.	Single-family residences, resorts, Bed & Breakfast, trails, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more. Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4)	To preserve as open space those lands which because of their soil, drainage or topographic characteristics, are unsuitable for development. (Section 213)

2008 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition s	Zoning Intent
AF	20 acres	None	30 feet front 30 feet side 30 feet rear	<ol style="list-style-type: none"> 1. Growing and harvesting of timber and bush fruit 2. Agricultural 3. Wildlife management 4. Outdoor wood boilers (see Section 6.5) (#34-13-05) 5. Single-family residences 6. Registered Rental Dwellings (#34-19-04) 7. Accessory structures (#34-21-02) 	<ol style="list-style-type: none"> 1. WECS 2. Resorts 3. Bed & Breakfast 4. Trails 5. Recreational uses/structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact 6. Racetracks 7. Hunting and shooting preserves on lots of 40 acres or more 8. Accessory Housing Units 9. Rural Cluster Development Subdivisions (see Section 6.12) 10. Contractor yards and shops 11. Parks (#34-09-02) 12. Kennels on lots 20 acres or more (#34-09-03) 13. Schools and Churches (#34-10-04) 14. Campgrounds on parcels 20 acres or more (#34-16-02) 	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 4.7)



Charter Township of Chocolay

Planning and Zoning Department

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Agenda Item: VII.C Proposed Land Uses

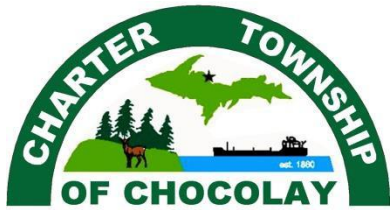
Suggested Motions

For the proposed zoning districts and intent statements:

After Commissioner review, _____ moved, _____ seconded, that the proposed zoning districts and zoning district intent statements approved as [presented / revised].

For the proposed land uses:

After Commissioner review, _____ moved, _____ seconded, that the proposed land uses be approved as [presented / revised].



Charter Township of Chocolay

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Issue Brief: Proposed Land Uses

Meeting: Planning Commission Meeting

Date: June 19, 2023

Issue Summary

Proposed zoning district names, proposed zoning district intent statements and proposed land uses.

Background

At the December 2022 meeting, Commissioners reviewed zoning districts and proposed intent statements for those districts for the new zoning ordinance. Commissioners made recommendations for staff consideration.

Staff Research

Staff has prepared two documents for Commissioner consideration (see attached).

The first document gives the detail of the proposed zoning districts and the proposed intent statements for those districts. The second document shows the proposed use permissions (permitted, conditional, not permitted) for each district in a cross reference format.

Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Review the proposed zoning ordinance districts and intent statements.
- 2) Review the use permissions for each item listed in the use cross reference table, with the intent of determining if the use permission is correctly identified for each zoning district.

Author: Dale Throenle

Date: June 14, 2023

Attachments

1. *Proposed zoning districts and district intent statements*
2. *Proposed land use cross reference*



PROPOSED ZONING DISTRICTS AND DISTRICT INTENT STATEMENTS

Proposed Zoning Districts

Zoning Code	Proposed District Name	Proposed District Intent
AG 1	Agriculture 1	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 2	Agriculture 2	The intent of this district is to accommodate medium-density residential and agriculture-related development.
AG 3	Agriculture 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.
CR	Conservation Recreation	The intent is to preserve lands primarily for conservation or recreation, and to protect lands that contain sensitive natural resources, natural features, valuable habitats, and floodplains.
GP	Government Properties	The intent is to provide for government owned properties that are used for governmental administration, recreation, and other purposes that provide a public benefit.
I	Industrial	The intent is to provide for commercial and industrial manufacturing, processing, and related uses.
MFR	Multi-Family Residential	The intent is to provide opportunity for large residential developments and mobile home parks.
MU	Mixed Use	The intent is to provide a mix of retail and wholesale products and services adjacent to residential areas.
R1	Residential	The intent is to provide opportunity for residential development within a neighborhood setting that also provides access to residential-oriented goods and services.
R2	High Density Residential	The intent is to provide greater housing diversity and to support commerce near affordable housing opportunities.
SR	Shoreline Residential	The intent is to provide opportunity for residential development along the shorelines of bodies of water with a focus on preserving natural features.

Proposed Land Use Cross Reference

Legend

Zoning District

AG 1	Agriculture 1 – 0.5 to 3 acres	AG 2	Agriculture 2 – 3 to 10 acres	AG 3	Agriculture 3 – 10 acres or more	CR	Conservation Recreation
GP	Government Properties	I	Industrial	MFR	Multifamily Residential	MU	Mixed Use
R1	Residential	R2	High Density Residential	SR	Shoreline Residential		

Use

C	conditional use	C*	conditional use – 20 acres or more	C**	conditional use – 40 acres or more	C***	conditional use – 60 acres or more
P	permitted use	P*	permitted use – 20 acres or more				

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Accessory drive-through facility <i>Examples</i> bank fast food pharmacy						P		P	C	C	C
Accessory dwelling unit	P	P	P			C	P	P	P	P	P
Accessory entertainment facility, food and beverage service, or other similar compatible uses						P		P			
Accessory gas sales						P		P			
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P				P	P	P	P	P

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	C	C	C				C	C	C	C	C
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P		P	P	P	P	P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	P	P								
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed fertilizer, herbicide, and pesticide sales garden center plant nursery rental and small equipment repair	C	P	P			P		P			

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	C	C	P								
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits petting farm pumpkin patch roadside market or stand U-pick operation wedding barn	C	P	P								
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P	P		P		P	P	P	P	P

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services	C	C	P			P		P			
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services	C	C	C			C		C			
Athletic, fitness or exercise establishment <i>Examples</i> bowling alley fitness membership club ice or roller blade rink						C		P			
Auditorium and other place for public assembly <i>Example</i> amphitheater					P			P	C		
Auto repair shop	C	C	C			P		P			
Boarding stable <i>Example</i> horse boarding	P *	P *	P *						C *		
Campground	C *	C *	C *	C	P						
Cemetery	C	C	C		P		C		C	C	C
Charitable or philanthropic organization sales <i>Examples</i> Goodwill Habitat for Humanity Red Cross Salvation Army St. Vincent de Paul						P		P			

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Child and adult care <i>Examples</i> adult foster care family home providing care to not more than six adults day care center with not more than six children family day care home for not more than six children foster family group home providing care to not more than six children other State licensed residential facility providing residential services for six or fewer individuals under 24 hour supervision or care	C	C						P	C	C	C
Commercial recreation - indoor <i>Examples</i> batting cage curling hockey multi-sports (such as pickleball, curling, and soccer combined) pickleball soccer					P	C		P			
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course theme park zoo			C			P		P			
Community center <i>Example</i> senior center					P			P	C	C	
Community garden as a principal use on a lot	C	C	C	C	P		C	C	C	C	C
Contractor shop	C	C	C			P		P			
Contractor yard	C	C	C			P		C			
Correctional facility					P						

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Culture center <i>Examples</i> art gallery library museum			C		P			P	C	C	C
Craft brewery / micro-brewery / nano-brewery sales	C	C	C			P		P	C	C	C
Emergency services facility <i>Examples</i> EMS fire station police station					P						
Electric vehicle charging station for private use	P	P	P		P	P	P	P	P	P	P
Electric vehicle charging station for public use	C	C	C	P	P	P	C	P	C	C	C
Family day care home									P	P	
Farmer's market as the accessory use of a lot	C	P	P		P			P			
Farmer's market as the principal use of a lot	C	P	P		C			C			
Financial institution <i>Examples</i> bank brokerage house credit union financial lender						C		P	C	C	C
Fishing pier				C	P						C
Food packaging and bottling works						P		C			
Food truck or other mobile vendor as accessory use of a lot			C			P		P			
Food truck or other mobile vendor as principal use of a lot			C			C		C			
Funeral home								P	C	C	C
Gas station or automotive service station						P		P	C	C	
Golf course - unlighted					C***		C***		C***		
Group Day Care home							C		C	C	

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Heavy regional commercial / high traffic intensity or large outdoor storage and handling areas <i>Examples</i> boats and marine supplies building supplies construction equipment sales industrial equipment or heavy consumer good sales and service large vehicle / equipment sales, repair, and rental mobile home sales and service recreation vehicle sales and service vehicle rental, sales and service warehouse or superstore						P		C			
Hotel, motel, or similar lodging facility						C		P	C	C	
Hunting or shooting preserve	C **	C **	C **								
Indoor sport shooting range	C	C	C			C		C			
Indoor theater or other place of amusement <i>Examples</i> movie theater video arcade								P			
Kennel	C *	C *	C *								
Large child and adult care <i>Examples</i> adult foster care congregate facility adult foster care facilities with more than six adults receiving care adult foster care homes with more than six adults receiving care child caring institutions providing care for more than six children day care center with more than six children group day care facility with more than six persons receiving care								C	C	C	
Large housing Note Does not include: child or adult care correctional facility family day care home hotel, motel, or similar lodging facility group day care home medical or social care			C				C	C	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
multifamily residential <i>Examples</i> co-op convent fraternity or sorority monastery seminary											
Light intensity processing with accessory storage <i>Examples</i> commercial kitchen kitchen incubator small craft bottling facility						P		P			
Light manufacturing, including large scale processing and assembly <i>Examples</i> electrical appliance and electronic instrument fabricated metal product food forming and molding plastic product furniture and related wood product processing facility industrial laundry cleaning / dyeing machine shop monument and art stone production musical instrument design printing publishing and engraving shop small vehicle, machinery or vehicle parts assembly solar device assembly / manufacturing						P		C			
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter			C		P	C		C			
Maintenance facility					P	P		P			
Marina				C	P		C				C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Medical or social care <i>Examples</i> assisted living facility halfway house homeless shelter home for the aged nursing or convalescent home orphanage sanitarium spouse abuse shelter								C	C		
Medical clinic			C					P	C	C	C
Medical hospital			C			C		C	C		
Medium intensity processing and handling <i>Examples</i> food aggregation site small meat, food and beverage processing winery or brewery with bottling, packaging, or distribution activities						P		P			
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services			C			P		C			
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C		C	C		C	C		C
Mobile home park							P				

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Mobile processing facility <i>Examples</i> food game processing meat processing	C	C	C			P		P			
Moderate regional commercial – moderate traffic intensity <i>Examples</i> appliances and household goods and service ATV, motorcycle, and snowmobile sales and repair automotive parts car or truck wash convenience store without gas sales discount store funeral services garden center gas station hardware store indoor auction or flea market facility large grocery store repair of small engines and small electric motors (such as boat motors and lawn mowers) shopping center or department store stone monuments or slab						C		P			
Multi-family residential	C	C					P	C	C	C	C
Nursing home	C	C	C				C	P	C	C	
Office – commercial building						P		P			
Office – commercial						P		P			
On-site composting accessory to a non-residential use	C	P	P			C		C			
Outdoor display and sales area						P		P			
Outdoor flea market			C					C			
Outdoor food and beverage service								P			
Outdoor food preparation			C					P			
Outdoor storage – not accessory to a business	C	C	C			P		C			
Outdoor wood boiler	P	P	P		C	C	C	C	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Place of worship <i>Examples</i> church mosque synagogue temple	C	C	C		P		C	P	C	C	C
Planned Unit Development (PUD)	C					P	P	P	P	P	P
Private club								P			
Private park	C	C	C		C		C	C	C	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C		C	C	C	P	C	C	C
Public park <i>Examples</i> neighborhood park public garden	C	C	C	C	P		C	C	C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center	C	C	C		P		C	P	C	C	C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C		C	C	C	P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines	P	P	P	P	P	P	P	P	P	P	P
Racetrack <i>Examples</i> ATV dirt bike snowmobile vehicle			C			C		C			
Recycling drop off site	C	C	C		P	P	C	C	C	C	C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P	P			C	P	P	P	P	P
Resort	C	C	C				C	C	C	C	C
Retail food and drink can include indoor entertainment <i>Examples</i> bakery bar brewpub coffee shop delicatessen ice cream store microbrewery nightclub restaurant soup kitchen tavern	C	C	C				C	P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment) personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods	C	C	C			P	C	P	C	C	C
Riding stable or animal breeding facility accessory to a residence	C	C	C					C			
Rural Cluster Development subdivisions	C	C	C				C		C		
Sawmill	C	C	C			P		C			
Self-service storage facility Indoor and / or outdoor <i>Examples</i> boats mini-warehouse recreational vehicles storage unit						P		C			
Single family residential	P	P	P			C	P	P	P	P	P
Site condominiums	P				P	P	P	P	P	P	P
Solar energy system (SES) - roof mounted	P	P	P		P	P	P	P	P	P	P

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Solar energy system (SES) - accessory ground mounted	P	P	P		P	P	P	P	P	P	P
Solar energy system (SES) - large commercial arrays	C	C	C		C	C	C	C	C	C	C
Solid waste transfer station					P	C					
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale	P	P	P			P	P	P	P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C	C	C	C	C	C	C	C
Transportation - low impact <i>Examples</i> commuter parking park and ride facility					P	P		P	C	C	C
Transportation - high impact <i>Examples</i> bus depot helipad parking garage					C	C		C			
Truck stop						P		C			
Wind energy conservation system (WECS), ground mounted	C	C	C	C	C	C	C	C	C	C	C
Wind energy conservation system (WECS), roof mounted	C	C	C	C	C	C	C	C	C	C	C
Wildlife management	P	P	P		P						
Wireless communication facility	C	C	C		P	P	C	P	C	C	C



Charter Township of Chocolay

Planning and Zoning Department

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Agenda Item: VIII.A Conditional Use Permit CU 23-19 – 6565 US 41 South

Suggested Motions

_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-19, 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 Township *Zoning Ordinance*, the Planning Commission approves Conditional Use Permit 23-19 as presented.

or

_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-19, 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 Township *Zoning Ordinance*, the Planning Commission approves Conditional Use Permit 23-19 with the following conditions:

[list the conditions].

or

_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-19, and the understanding that the proposed use should be compliant with all terms of *Section 16.2 Conditional Use Permits Basis of Determination and General Standards* and the intent of the Township *Zoning Ordinance*, the Planning Commission denies Conditional Use Permit 23-19 for the following reasons:

[list the reasons].



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Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Conditional Use Application CU 23-19 – 6565 US 41 South

Meeting: Planning Commission

Date: June 19, 2023

Issue Summary

The applicants are seeking to acquire a single family residential conditional use for the property.

Application Information

Applicant	Ryan and Jessica Elliston
Owner	Matthew A Baldwin and Jennifer K Baldwin
Parcel ID	52-02-121-034-00
Address	6565 US 41 South
Type of request	Conditional Use Permit
Date received	May 9, 2023
Base zoning district	Industrial (I)
Overlay zoning district	None
Present land use	Residential
Date of public notice	June 2, 2023 – Marquette <i>Mining Journal</i>
Date of review	June 1, 2023

Application Summary

Matthew and Jennifer Baldwin, owners of parcel 52-02-121-034-00 located at 6565 US 41 South, are seeking to acquire a single family residential conditional use for the property on behalf of Ryan and Jessica Elliston.

Regulatory Analysis

Site Background

<i>Lot size</i>	1.09 acres Acreage exceeds the minimum lot size requirement of 1 acre for industrial properties found in Section 6.1 in the Township <i>Zoning Ordinance</i> .
<i>Lot Width</i>	200 feet Frontage exceeds the minimum of 150 feet of frontage for industrial properties found in Section 6.1 in the Township <i>Zoning Ordinance</i> .
<i>Legal Description</i>	The property legal description, extracted from the Township assessing record: “SEC 21 T47N R24W PRT OF TH SE1/4 OF TH NE1/4 BEG AT SE COR THEREOF; T H W 190FT; TH NW'LY ALG HWY 41 R/WT 200FT; TH NE'LY TO A PT 300FT N OF POB; TH S 300FT TO POB. 1.09AC+/-”

Existing Non-Conformances There are no non-conformances that exist on the parcel.

Zoning and Use History

The parcel was zoned as C-3 (Light Industrial) in 1977. The zoning designation was changed to I (Industrial) in 2008.

There are no applied overlay districts.

Previous Conditional Use Permits

There were no previous conditional use permits issued for this parcel.

Project Zoning District

This project will be in the Industrial (I) zoning district.

Adjacent Zoning Districts and Land Uses

Direction	Zoning	Land Uses
North	I	One commercial business (B & G Plumbing and Heating Inc.)
South	I	One commercial business (APS Storage)
East	AF	Undeveloped parcel
West	I	Two commercial businesses (Trudell Plumbing and Heating and Southside Automotive)

The property will be accessed from US 41 South.

Aerial View of Project Area



Aerial View With Approximate Project Location



Proposed Hours

Proposed hours of occupancy are 24 hours per day, seven days per week, 365 days per year.

Parking Spaces

Parking requirements are detailed in Section 8.1 of the Township *Zoning Ordinance*. Per the ordinance section, two parking spaces are required for the dwelling unit. The site has adequate parking space to accommodate this requirement.

Zoning Ordinance Definitions

Dwelling, single-family -- a building designed for use as one dwelling unit.

Zoning District Permitted and Conditional Uses

Extracted from Section 4.6, *Industrial District (I)* in the Township *Zoning Ordinance*.

4.6 Industrial District (I)

(A) Intent

To establish and preserve a district for industrial use along with those commercial uses which are more compatible with industrial than with other commercial uses.

(B) Permitted Principal Uses

- 1. Motor vehicle sales, service, and rental
- 2. Construction and farm equipment sales
- 3. Sales of mobile homes, campers, recreational vehicles, boats, and monuments
- 4. Wholesale and storage uses
- 5. Food packaging and bottling works
- 6. Commercial printing and newspaper offices



7. Contractor's yards and shops
8. Laundry, cleaning and dyeing plants
9. Office buildings
(#34-13-05)
10. Accessory structures (#34-21-02)

(C) Conditional Uses

1. WECS
2. Other industrial uses, such as manufacturing, research, high technology, and business parks
3. Trails
4. Wireless Communication Facilities
5. Outdoor wood boilers (see Section 6.5) (#34-13-05)
(#34-18-02)
6. Indoor sport shooting range (#34-19-05)
7. Single family dwellings (#34-23-01)
8. Registered Rental Dwellings (#34-23-01)

Staff Comment The proposed conditional use category for this application is 4.6 (C) 7 Single family dwellings.

Basis of Determination

Extracted from Section 16.2, *Conditional Use Permits Basis Of Determination And General Standards* in the Township Zoning Ordinance:

“The Township Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Staff Comment The structure was originally built as a residential structure for the neighboring business. Currently, the property is being used for residential occupancy. There has been no documented evidence that this use has been an issue for this area.

2. The conditional use shall not change the essential character of the surrounding area.

Staff Comment No apparent characteristics of the surrounding area will change. The property will remain as a residential use with no major changes anticipated on the property.

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

Staff Comment The property will remain “as is” with no major improvements anticipated. No interference with the adjacent property is anticipated.



4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

Staff Comment Initially, there will be no change to the area. As the new owners improve the property with landscaping and other minor changes, the property will serve as an improvement to the surrounding area.

5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

Staff Comment None of the activities or services proposed in this application will be detrimental to the health, safety, or welfare of Township residents or their properties.

6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.

Staff Comment No additional public services will be required at this location.

7. The conditional use shall not place demands on public services and facilities in excess of current capacity.

Staff Comment The property and surrounding area are currently adequately served by essential public facilities and services and the proposed use will not change this.

8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

Staff Comment The future vision for this area is to convert from industrial uses to a neighborhood mixed use concept. The area uses are currently light industrial with an emphasis on a commercial, not industrial, use. An additional consideration for this property is that it can be converted to a commercial use in the future while maintaining a residence on the property.

Applicable information from the Township *Master Plan, 2021 Edition*

Page 85, *Neighborhood Mixed Use, Intent*

“The intent is to provide products, services, employment, and public spaces close to residential housing in areas outside of the village of Harvey.”

Page 85, *Neighborhood Mixed Use, Land Uses and Development Patterns*

“This land use accommodates a mix of commercial and light manufacturing uses in combinations in designated nodes near neighborhoods.

This area allows for a mix of uses within a single building (such as ground floor commercial or office with upper story residential) and a mix of housing types along with other uses.

These developments are characterized by isolation from other similar uses.



Land uses are generally commercial retail and light manufacturing.”

9. The conditional use shall be shown by the applicant to be compliant with all other applicable federal, state, or local statutes, regulations, and ordinances.

Staff Comment Additional permits are not required for this use to begin.

10. Failure of continued compliance with those federal, state, or local statutes, regulations, and ordinances as they existed at the time the conditional use was issued may result in Planning Commission review and revocation of the Conditional Use Permit.

Staff Comment The property will be monitored in the future to ensure compliance with Township zoning requirements.

11. A conditional use permit shall not be effective until the applicant has provided proof that they have obtained all other required permits or licenses.

Staff Comment Additional permits are not required for this use to begin.

Additional Consideration

Extracted from Section 16.2, *Conditional Use Permits Basis Of Determination And General Standards* in the Township Zoning Ordinance:

“The Township Planning Commission may impose conditions with the approval of a conditional use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator. In addition, the Township Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to ensure the preservation and protection of property values of adjacent properties (#34-19-05).”

Staff Application Comments

Staff reviewed the submitted application (see attached) and found no issues with the application.

There will be minimal detrimental effect on surrounding properties as the residential structure has been on the property since 1973.

No Township permits have been issued for any projects on this property.

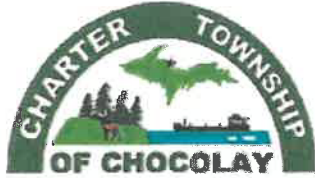
Author: Dale Throenle

Date: June 1, 2023

Attachments

1. *Conditional Use application CU 23-19*

CONDITIONAL USE PERMIT APPLICATION



CHOCOLAY TOWNSHIP

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

APPLICATION NUMBER

CU- 23-19

PROPERTY AUTHORIZATION

Date of application 5-9-23 Project address 6565 US 41 SOUTH

APPLICANT

Name Ryan Elliston and Jessica Elliston

Address 240 Timber Ln

City / State / Zip Marquette, MI 49855

Contact number [REDACTED]

E-mail [REDACTED]

PROPERTY OWNER (if different from applicant)

Name Jennifer and Matthew Baldwin

Address 6565 US 41 S

City / State / Zip Marquette, MI 49855

Contact number [REDACTED]

E-mail [REDACTED]

If the applicant is not the property owner, the property owner grants permission for the applicant to act on the owner's behalf for this project [REDACTED]

Owner Signature [REDACTED]

Date 5/9/23

PROJECT INFORMATION

Existing Use

Industrial currently used as residence

Proposed / Expansion Use

Use as residential property.

Adjacent Zoning and Uses

North Zoning I Use Industrial South Zoning I Use Industrial
East Zoning AF Use Aggriculture West Zoning I Use Industrial

APPLICATION NOTES

The checklist below identifies all documents required for the Zoning Administrator to declare the application complete before beginning the conditional use permit process.

All items are due 30 calendar days prior to the Planning Commission meeting.

- Payment in full of the required fee (see the current *Adopted Fee Schedule*)
- Site plan showing the proposed location of conditional use, buildings, driveway, lot lines, easements, right-of-ways, lighting, waterways, heights of buildings and any additional information that is required by the Township
- Proof of property ownership including the legal description of the property

BASIS OF DETERMINATION AND GENERAL STANDARDS

The Township Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Zoning Ordinance. (extracted from Section 16.2 of Township Zoning Ordinance).

Please provide statements to support the following standards in Section 16.2 of the Township Zoning Ordinance (attach separate pages if necessary).

1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Yes. It will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with existing surrounding properties.

2. The conditional use shall not change the essential character of the surrounding area.

No. The property has been residential for 50 years.

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

No. There will not be any disturbance of neighboring properties on the quiet residential use.

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

The residence will be a family home with intent to expand

5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

No. The residence will not be detrimental to any person, property or general welfare by excessive production of traffic, noise, smoke, odor, fumes or glare.

6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.

Yes. Waste management and recycling are minimal for the residence.

7. The conditional use shall not place demands on public services and facilities in excess of current capacity.

No. The services are already in place.

8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

Yes. It will meet the requirements of the 2021 master plan.

9. The conditional use shall be shown by the applicant to be compliant with all other applicable federal, state, or local statutes, regulations, and ordinances.

None required as it is a personal residence.

SUPPLEMENTAL INFORMATION

Please answer the questions below to assist staff and the Planning Commission in determining if the proposed use will meet the *Zoning Ordinance* standards. Attach additional pages if necessary.

1. Describe the nature of the proposed conditional use activities, including any items which may be stored at the site.

The home will have residential activity

2. Describe the day to day operations of the proposed conditional use at the site, and indicate the proposed hours of operation.

The home will be a full time residence year round.

3. Describe the effects that the proposed use will have on the neighborhood (such as noise, traffic, and aesthetics).

A quiet family residence will be part of the neighborhood.

4. Describe how the proposed use is compatible with the existing uses, designs, and appearances in the vicinity.

North side of residence is a business. The building was built after the home for the previous owners business. The east side of residence is agriculture.

5. Describe the measures you propose to reduce the impact of the proposal to neighboring properties and / or the environment.

Has been residential for 50 years. No changes will be impacting neighboring properties.

6. Does the proposed conditional use involve:

Above ground fuel storage Yes No

Underground fuel storage Yes No

Use / storage of hazardous materials Yes No

7. What positive community impacts will result from the proposed conditional use?

Family residence whom will enjoy the park and shopping nearby. Along with being apart of a neighborhood.

8. What negative impacts, if any, will result from the proposed conditional use?

None.

9. Is it anticipated that the proposed conditional use will require additions or changes in the future?

The property has been used as residential with possibilities of business growth.

APPLICATION CONDITIONS

1. I certify that the proposed conditional use is authorized by the property owner of record, and that I have been authorized to make this application. I further certify that the proposed plans as shown are accurate to the best of my knowledge and contain an accurate description and specifications for all existing and proposed buildings or structures for this conditional use.
2. I agree that issuance of the *Conditional Use Permit* carries with it a condition allowing on-site inspection of the premises, both in review of the site plan and later to confirm compliance with the site plan and conditions of the permit. As applicant / owner, I authorize these inspections and acknowledge that they are a condition to any approval provided with the application.
3. I understand that any construction which represents a variance from the approved conditional use permit and permit conditions, or violation of the approved site plan or permit conditions, may result in the Zoning Administrator issuing a stop work notice. Upon service of such notification, I and my agents agree to immediately cease work on that portion of the property identified as a violation.
4. I acknowledge review of the site plan and other applicable requirements in the Township zoning ordinance.
5. I agree that neither I nor my successor will sell, convey, or otherwise dispose of any land surrounding a structure if such a transaction will result in the structure being left on a lot which fails to meet the minimum requirements set forth in the Township zoning ordinance.
6. I understand that a public hearing is required to be held by the Planning Commission, and I further understand that the Planning Commission may table action to a later meeting if the Commissioners determines that more information is necessary in order to take specific action on the proposed conditional use.
7. I understand that the final decision in this process is made by the Planning Commission and they may approve, approve with conditions or deny the request.
8. I understand that a conditional use permit will not be effective until I have provided proof that I have obtained all other required per

Owner / agent signature



15/9/23

Name (print)

TOWNSHIP OFFICE

Parcel ID 52-02-121-034-00 Zoning District I

Application Charge \$200.00

Date paid 5/9/23 Receipt number 41820

Public Hearing Notifications

Minimum of 30 calendar days prior to the Planning Commission meeting

- Scheduled Planning Commission meeting date 6-19-23
- Date public hearing notice to be published 6-4-23
- Date notices to be mailed to the affected public 6-4-23
- Date notice to be posted on the Township web site 6-4-23

Zoning Administrator signature



Date 5-9-23

The Mining Journal

VIII.A.4

Upper Michigan's Largest Daily Newspaper
249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Public Hearing Notice
Chocolay Township
Conditional Use Application
6565 US 41 South
June 19, 2023

Size: 2 x 3

State of **MICHIGAN**, County of Marquette ss.

ANN TROUTMAN

being duly sworn, says that she is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

June 2, 2023



ANN TROUTMAN

Subscribed and sworn to before me this 2nd day of June, 2023.



HOLLY GASMAN

Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

PUBLIC NOTICE CHARTER TOWNSHIP OF CHOCOLAY

The Chocolay Township Planning Commission will hold a public hearing on a conditional use application for a request to acquire residential use on Monday, June 19, 2023 at 6 PM at the Chocolay Township Fire Hall at 6010 US 41 South, Marquette, MI.

The owners of 6565 US 41 South wish to acquire a residential use of the property. As this property is in the Industrial zoning district, a Conditional Use permit is required according to Articles IX and XVI of the Chocolay Township Zoning Ordinance.

A copy of the language is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at www.chocolay.org. Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email (publiccomment@chocolay.org). Comments will be received until 12:00 PM June 14, 2023.



Charter Township of Chocolay

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

June 2, 2023

Property owners within 500' of 6565 US 41 South

Re: Public Hearing Conditional Use Permit CU 23-19 6565 US 41 South

Dear property owner:

The Chocolay Township Planning Commission will hold a public hearing on Monday, June 19, 2023 at 6 PM at the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, MI on a conditional use application for a request to acquire residential use.

The owners of 6565 US 41 South wish to acquire a residential use of the property. As this property is in the Industrial zoning district, a Conditional Use permit is required according to Articles IX and XVI of the Chocolay Township *Zoning Ordinance*.

A copy of the language is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at www.chocolay.org. Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email (publiccomment@chocolay.org). Comments will be received until 12:00 PM June 14, 2023.

Sincerely,

Dale Throenle
Planning Director / Zoning Administrator

VIII.A.6

52-02-121-032-10

BALDWIN TRUST
BALDWIN R GARY/ NANCY J
1405 DAYBREAK DR
MARQUETTE MI 49855

52-02-121-032-20

HAMARI FAMILY TRUST
HAMARI DALE M/ CHRISTINE E
114 MANGUM RD
MARQUETTE MI 49855

52-02-121-034-00

BALDWIN MATHEW A & JENNIFER K
6565 US 41 S
MARQUETTE MI 49855

52-02-121-034-20

BALDWIN TRUST
BALDWIN R GARY/ NANCY J
6561 US 41 S
MARQUETTE MI 49855

52-02-121-050-00

SLEETER JOHN E
6556 US 41 S
MARQUETTE MI 49855

52-02-121-051-00

TRU M&S PROPERTIES LLC
121 OLD KILN ROAD
MARQUETTE MI 49855

52-02-121-070-00

APS STORAGE PROPERTIES LLC
1713 STATE HWY M28 E
MARQUETTE MI 49855

52-02-121-071-00

WNR REAL ESTATE LLC
6580 US 41 S
MARQUETTE MI 49855

52-02-121-071-10

L & H WILLIAMS PROPERTIES LLC
106 WINTERGREEN TRAIL
MARQUETTE MI 49855

52-02-121-071-15

ALDER PROPERTIES LLC
429 N 3RD ST
MARQUETTE MI 49855

52-02-122-009-00

ZAWADA CHRISTINA A
CHAMBERLAIN FRED D
512 RIVER ROAD
ONTONAGON MI 49953

52-02-122-017-00

ZAWADA CHRISTINA A
CHAMBERLAIN FRED D
512 RIVER ROAD
ONTONAGON MI 49953

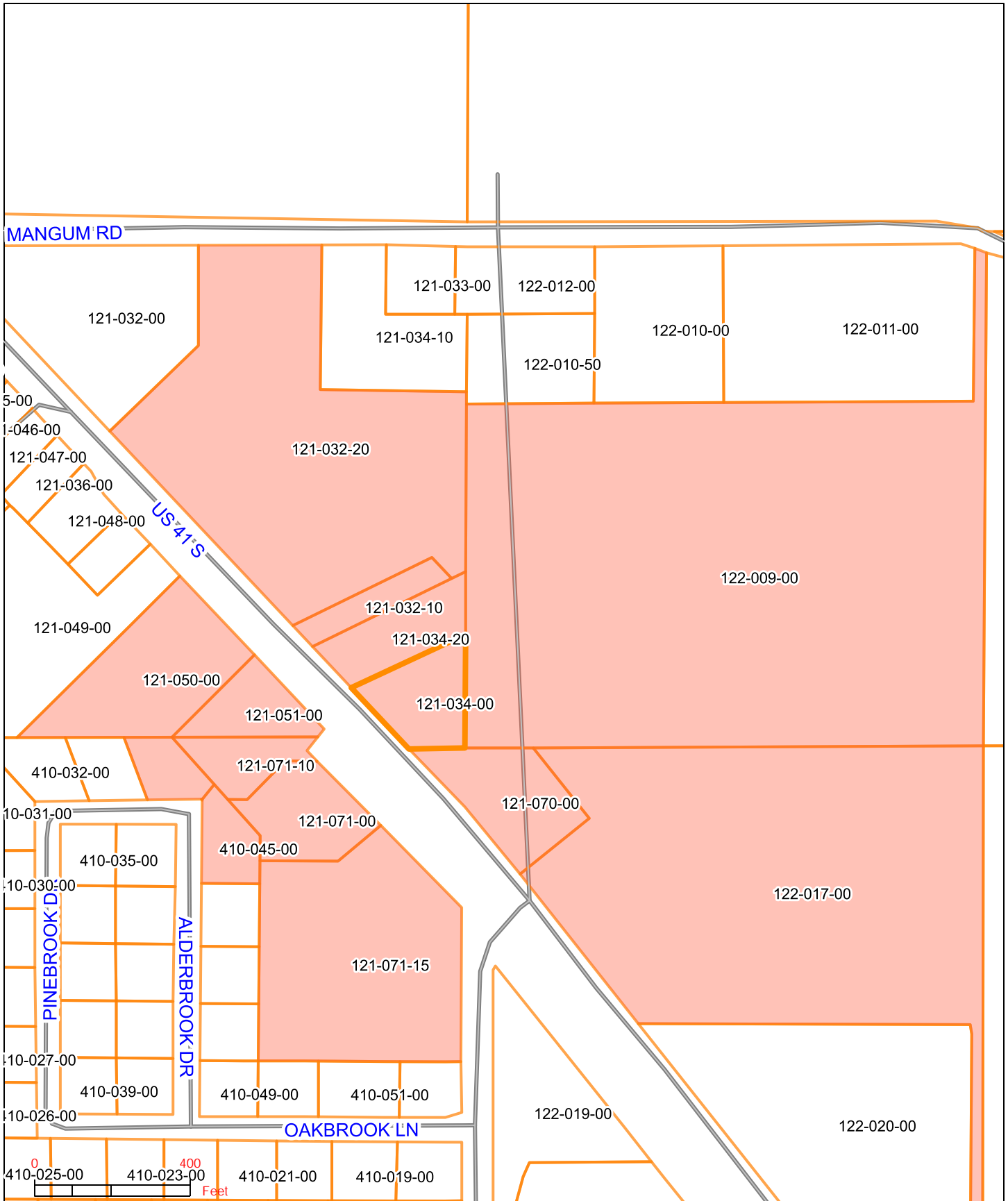
52-02-410-034-00

BALKUM MICOLE M & KNOPP BRANDON
109 BIRCHBROOK LN
MARQUETTE MI 49855

52-02-410-045-00

COLANTONIO TANNER
116 ALDERBROOK DR
MARQUETTE MI 49855

CU 23-19 Public hearing notification map





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: VIII.B Rezoning Application 343 23-19 – 537 West Branch Road

Suggested Motion

That the zoning for the parcel known as 52-02-135-016-02 located at 537 West Branch Road be changed from State Lands to Agriculture / Forestry (AF), and the rezoning be sent to the Township Board for consideration.



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Rezoning Application 34 23-21

Meeting: Planning Commission Meeting

Date: June 19, 2023

Issue Summary

Applicant is requesting to rezone a parcel from State Lands to Agriculture / Forestry (AF)

Application Information

Applicant / owner	Owen E DeVooght
Parcel ID	52-02-135-016-02
Address	M-28 (north of Moyle Retail Center)
Type of request	Rezoning request
Date received	May 10, 2023
Date determined complete	May 10, 2023
Decision body	Planning Commission
Date of notices	<i>Mining Journal</i> , June 2, 2023 and 10 property owner letters were postmarked and mailed on June 2, 2023.
Planning Commission Decision date	June 19, 2023
Base zoning district	State Lands
Overlay zoning district	None
Present land use	Agriculture
Fees, notifications, and publication requirements	All fees, notifications, and publication requirements of the <i>Zoning Ordinance</i> have been met. Documents were posted on the Township web site (www.chocolay.org) and available for the public to review in the Township office by June 2, 2023.

Application Summary

Applicant Owen DeVooght wishes to rezone parcel 52-02-135-016-02 from State Lands to Agriculture / Forestry (AF). Mr. DeVooght's intention for the property is to use it for agriculture-only purposes.

Regulatory Analysis

Adjacent Zoning Districts and Land Uses

Direction	Zoning	Land Uses
North	State Lands	Vacant state land
South	None	Skandia Township
East	AF	Occupied agriculture
West	State Lands	Vacant state land

Zoning and Use History

The property was zoned as Resource Production (RP) in 1977. In 2008, the property was established as State Lands. The property was vacant until it sold in 2022.

Legal Description

The property is legally described as:

“A PARCEL OF LAND BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 35, TOWN 47 NORTH, RANGE 24 WEST, TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN; THENCE SOUTH 89°10'08" WEST, ALONG THE SOUTH LINE OF SAID SECTION 35, 1311.13 FEET; THENCE NORTH 00°08'17" WEST, 1287.33 FEET; THENCE SOUTH 89°09'29" WEST, 1325.58 FEET TO THE WEST LINE OF SAID SECTION; THENCE NORTH 00°46'53" WEST, ALONG SAID WEST LINE, 33.00 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 4 OF SAID SECTION 35; THENCE NORTH 89°09'29"E, ALONG SAID NORTH LINE, 2651.91 FEET TO THE NORTHEAST CORNER OF THE SOUTH OF THE SOUTHWEST 4 OF SAID SECTION 35; THENCE SOUTH 00°30'18" WEST, ALONG THE NORTH AND SOUTH 4 LINE OF SAID SECTION, 1320.84 FEET TO THE POINT OF BEGINNING PARCEL CONTAINS 40.97 ACRES OF LAND, MORE OR LESS.

FROM 016-00 FOR 2023”

Lot Conformity

The property is listed in the Assessing records with a property size of 40.97 acres. This parcel size exceeds the 20 acre minimum required for properties in the Agriculture / Forestry (AF) zoning district as defined in Section 6.1 *Height and Placement Regulations* in the *Township Zoning Ordinance*.

Master Plan Considerations

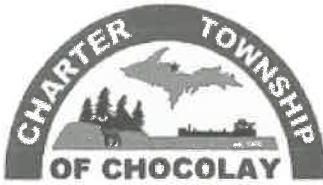
The Township *Master Plan, 2021 Edition* expresses the direction to continue with agricultural use throughout the Township. This rezoning request is consistent with that direction.

Staff Application Comments

Staff reviewed the application request and determined the application request is consistent with the Township master plan and can find no reason to deny the rezoning request.

REZONING APPLICATION

VIII.B.3



CHOCOLAY TOWNSHIP

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

APPLICATION NUMBER

#34- 23-21

PROPERTY AUTHORIZATION

Property address 537 W Branch Rd Marquette MI 49855

APPLICANT

Name _____

Address _____

City / State / Zip _____

Contact number _____

E-mail _____

PROPERTY OWNER (if different from applicant)

Name Owen DeVooght

Address 115 Bazinette Rd

City / State / Zip Marquette MI 49855

Contact number [REDACTED]

E-mail _____

If the applicant is not the property owner, the property owner grants permission for the applicant to act on the owner's behalf for this project [REDACTED]

Owner Signature [REDACTED]

Date 5-9-2023

APPLICANT NOTES

A rezoning is generally used to develop a land use which is not permitted within a current zoning district. A rezoning will change the zoning classification of your site only. For example, in order to permit the development of a beverage bottling facility, a site could be rezoned from a commercial zoning district to an industrial zoning district, assuming the parcel to be rezoned is adjacent to a parcel that is zoned industrial.

This application for Planning Commission consideration must be submitted with the associated fee and any submittal information to the Zoning Administrator at least **30** days prior to the next scheduled Planning Commission meeting.

ORDINANCE SECTIONS TO BE AMENDED

The applicant wishes to propose that the identified property be rezoned from unknown to AF because:

I purchased this piece of property from the State of Michigan and would like to rezone it to AF. I would like to be able to

put up a ag building to make maple Syrup.

APPLICATION CONDITIONS

1. I am the legal owner, or under control, of the property, for which this application is being submitted.
2. I desire to apply for the rezoning indicated in this application and that the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached to the property involved in the request.
4. I understand the fee is non-refundable and is to cover the costs associated with processing this application, and that it does not assure approval of the application.
5. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not be necessarily be the next scheduled meeting due to notification requirements.
6. I acknowledge that this form is only an application for a rezoning and rezoning will occur only with procurement of approvals from the Planning Commission and the Township Board.

Owner / agent signature [Redacted] Date 05/08/2023
 Name (print) Owen DeVooght

TOWNSHIP OFFICE

Parcel ID 52-02-135 - 016 - 02 Zoning District UNK

Application Charge \$400.00

Date paid 5/10/23 Receipt number 41849

Public Hearing Notifications

Minimum of 30 calendar days prior to the Planning Commission meeting

Scheduled Planning Commission meeting date JULY 17, 2023

Date public hearing notice to be published JULY 2, 2023

Date notices to be mailed to the affected public JULY 2, 2023

Date notice to be posted on the Township web site JULY 2, 2023

Zoning Administrator signature [Redacted] Date 5.10.23

The Mining Journal

VIII.B.4

Upper Michigan's Largest Daily Newspaper
249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Public Hearing Notice
Chocolay Township
Rezoning State Land to Agriculture/Forestry
537 West Branch Road
June 19, 2023

Size: 2 x 3

State of **MICHIGAN**, County of Marquette ss.

ANN TROUTMAN

being duly sworn, says that she is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

June 2, 2023



ANN TROUTMAN

Subscribed and sworn to before me this 2nd day of June, 2023.



HOLLY GASMAN

Notary Public for **MARQUETTE** County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

PUBLIC NOTICE CHARTER TOWNSHIP OF CHOCOLAY

The Chocolay Township Planning Commission will hold a public hearing on Monday, June 19, 2023 at 6 PM at the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, MI to hear public comment on rezoning State land to Agriculture / Forestry (AF).

Owen DeVooght, property owner of parcel # 52-02-135-016-02 located at 537 West Branch Road has filed application 34-23-21 to rezone a parcel previously owned by the State of Michigan to Agriculture / Forestry (AF).

A copy of the language is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at www.chocolay.org. Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email (publiccomment@chocolay.org). Comments will be received until 12:00 PM June 14, 2023.



Charter Township of Chocolay

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

June 2, 2023

Property owners within 500' of 537 West Branch Road

Re: Public Hearing Conditional Use Permit 34 23-21 537 West Branch Road

Dear property owner:

The Chocolay Township Planning Commission will hold a public hearing on Monday, June 19, 2023 at 6 PM at the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, MI to hear public comment on rezoning State land to Agriculture / Forestry (AF).

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Sincerely,

Dale Throenle
Planning Director / Zoning Administrator

VIII.B.6

52-02-134-010-00
STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
206 E MICHIGAN AVE
PO BOX 30003
LANSING MI 48909

52-02-135-016-00
STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
206 E MICHIGAN AVE
PO BOX 30003
LANSING MI 48909

52-02-135-020-20
DOWNS JOHN R JR & KATHY L
428 FOSTER CREEK DR
MARQUETTE MI 49855

52-02-134-011-00
HILL MELVIN
350 W BRANCH RD
MARQUETTE MI 49855

52-02-135-017-00
PARENT LEON & PAULETTE
547 W BRANCH RD
MARQUETTE MI 49855

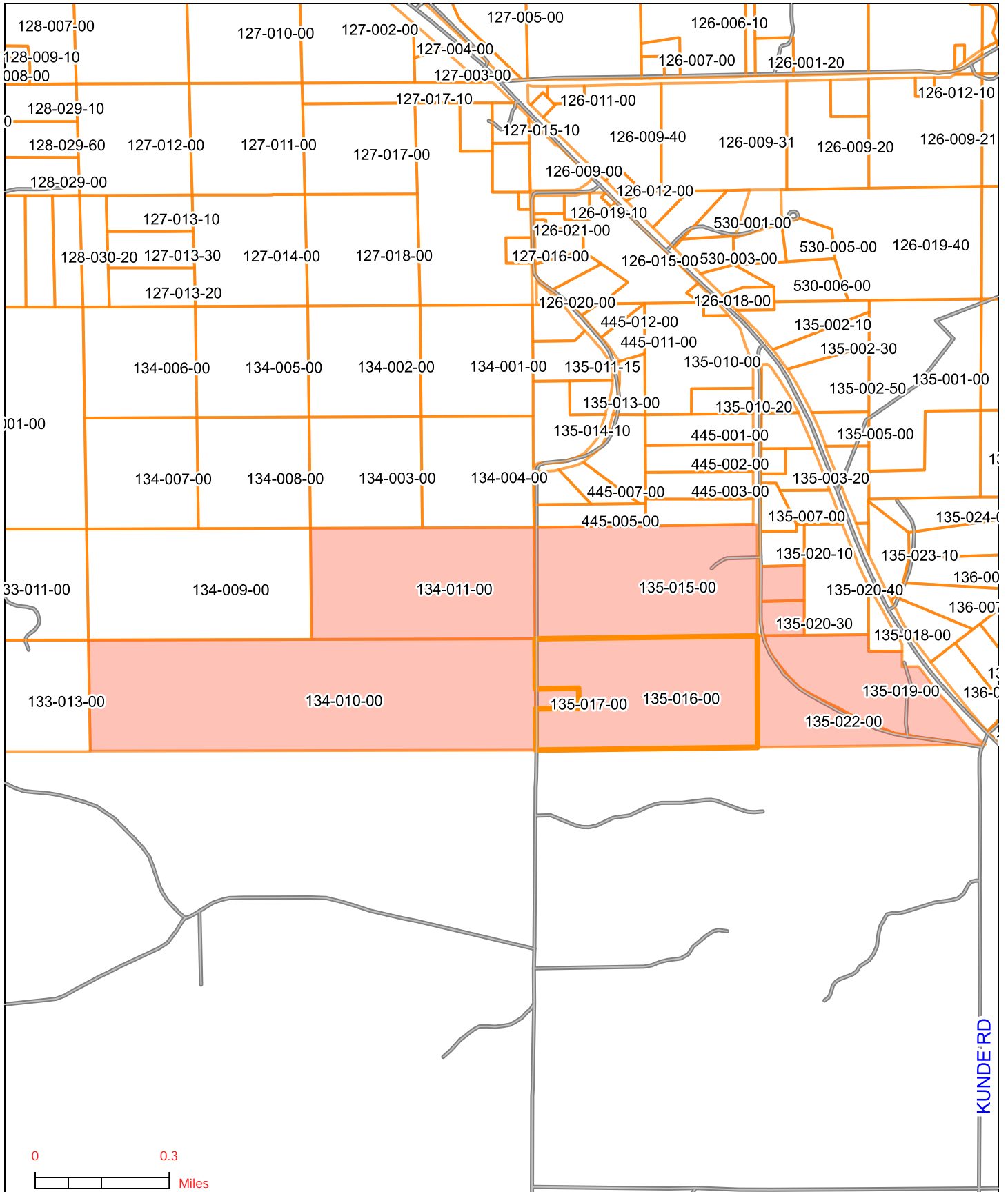
52-02-135-020-30
CEDERNAMEKO CRYSTAL L
CEDERNA IAN T/ MORAN FREYA C
C/O KATHY L DOWNS (LE)
428 FOSTER CREEK DR
MARQUETTE MI 49855

52-02-135-015-00
AALTO M CATHERINE
430 FOSTER CREEK DR
MARQUETTE MI 49855

52-02-135-019-00
PREVOST MICHAEL J & WENDY J
440 FOSTER CREEK DR
MARQUETTE MI 49855

52-02-135-022-00
SAVOLA CHAD M & JEFFREY M
C/O SAVOLA STEVE M/ ELIZABETH A
612 W HAMPTON
MARQUETTE MI 49855

34 23-21 Public hearing notification map



May 8, 2023

The regular meeting of the Chocolay Township Board was held on Monday, May 8, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zybert, David Lynch, Don Rhein, Judy White, Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

White moved, Lynch supported to approve the agenda as amended (***addition of Supervisor's Report after Consent Agenda***).

MOTION CARRIED

PUBLIC COMMENT

Jennifer Baldwin, 6565 US 41 South – spoke regarding the property at 6565 US 41 South and zoning associated with the parcel. This parcel is currently zoned Industrial – this was a family home for the past 50 years. Has interested buyers but would not be able to rebuild if something were to happen.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, April 10, 2023.
- B. Approve Revenue and Expenditure Reports –April 2023.
- C. Approve Bills Payable, Check Register Reports – April 13, 2023 (Check # 26066 - 26085, in the amount of \$14,272.17), and April 26, 2023 (Check # 26086 – 26115, in the amount of \$44,844.24).
- D. Approve Bills Payable – Regular Payroll of April 13, 2023 (Check #'s DD3215 – DD3250 and Check #'s 11344 - 11349, Federal, State, and MERS in the amount of \$43,608.45), and Regular Payroll of April 27, 2023 (Check #'s DD3251 – DD3280 and Check #'s 11350 – 11355, Federal State, and MERS in the amount of \$45,183.35).

Zybert moved, Lynch supported to approve the consent agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

FEMA Flood Plain Risk Map – FEMA has published 2 notifications in the Mining Journal. This gives property owners the opportunity to challenge the map. Property owners have 90 days to contest the map. Our FEMA coordinator at the Township is Dale Throenle.

Kendra Symbal (Trustee) has taken a new position and is unable to attend the Monday night meetings. Supervisor Bohjanen asked if the Board would be okay with moving the meeting time to 6:00 on Monday.

Engle moved, Zyburt supported that the meeting time be changed from 5:30 pm to 6:00 pm. The motion was amended by Zyburt, supported by Engle to begin this time change with the July meeting.

MOTION CARRIED

Symbal will also not be able to be our representative at the Marquette County Solid Waste Management Authority (Landfill) meeting – the third Wednesday of the month at 4:00 pm at the landfill. There is also a Zoom option. White volunteered to be the representative.

TREASURER'S REPORT - NONE

CLERK'S REPORT

Clerk Engle stated that the election went well – no trouble with the pollbooks. The proposal passed by about 1,500 votes. White asked about in person voting – Engle indicated that 95 voted in Precinct 2, 77 in Precinct 1, and 1,046 voted absentee.

PUBLIC HEARING – NONE

PRESENTATION – NONE

INDUSTRIAL DISTRICT ORDINANCE AMENDMENT – FIRST READING.

White asked about what type of feedback was given at the Public Hearing in the Planning Commission. S. Gencheff (Planning Commissioner) was at the meeting and replied that residents were concerned that residential was going to be popping up in the Industrial zone. This was then explained that it was a Conditional Use.

Rhein questioned if the Board would be able to approve after the first reading. Township Manager De Groot indicated that at this point we have met the legal requirements, so the Board would be able to proceed with approval. Supervisor Bohjanen also indicated that it is a pretty minimal change, but one step that has been taken before passing is sending the draft to the Marquette County Planning Commission for recommendation.

White moved, Rhein supported that the Chocolay Township Board accept the draft Industrial District Conditional Use Proposal as presented and foregoing the second reading.

MOTION CARRIED

APPROPRIATE FUNDS FROM THE SEWER FUND TO COMPLETE THE SEWER MAIN INSPECTION PROGRAM.

2023 SEWER FUND BUDGET AMENDMENT TO REFLECT INCREASE IN CAPITAL OUTLAY ACCOUNT

Lynch moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Sewer Fund expenditures of the Township on December 12, 2022 for fiscal year 2023, and Whereas, as a result of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Wastewater Treatment – Miscellaneous 571.571.698	5,000.00	30,000.00	35,000.00
EXPENDITURE			
Wastewater Treatment – Capital Outlay 571.571.957.000	20,000.00	30,000.00	50,000.00

ROLL CALL

AYES: Rhein, Lynch, White, Zybert, Engle, Bohjanen

NAYS: None

ABSENT: Symbal

MOTION CARRIED

AUTHORIZATION TO EXPEND

Zybert moved, White supported that the Chocolay Township Board authorize the expenditure of funds from 571.571.957 not to exceed \$45,000.00 to Great Lakes T.V. Seal to televise and complete our sewer main inspection program.

ROLL CALL

AYES: Rhein, Lynch, White, Zybert, Engle, Bohjanen

NAYS: None

ABSENT: Symbal

MOTION CARRIED

SILVER CREEK TENNIS COURT IMPROVEMENT PROJECT, PASSPORT GRANT APPLICATION.

**RECREATION PASSPORT GRANT PROGRAM
RESOLUTION OF AUTHORIZATION-LOCAL UNIT OF GOVERNMENT MATCH WITH DONATED FUNDS**

White moved, Lynch supported that:

WHEREAS, The Chocolay Township Board supports the submission of an application titled “Silver Creek Tennis Court Improvement” to the Recreation Passport Grant Program for development of a renovated pickleball/tennis facility at Silver Creek Recreation Area; and,

WHEREAS, the proposed application is supported by the Township’s 5-Year Approved Parks and Recreation Plan; and,

WHEREAS, Charter Township of Chocolay is hereby making a financial commitment to the project in the amount of \$28,250 matching funds, in cash and/or force account; and,

NOW THEREFORE, BE IT RESOLVED that the Chocolay Township Board hereby authorizes submission of a Recreation Passport Grant Program application for \$84,750, and further resolves to make available a local match through financial commitment of \$28,250 (25%) of a \$113,000 project cost during the 2024 fiscal year.

AYES: Rhein, Lynch, White, Zyburt, Engle, Bohjanen

NAYS: None

ABSENT: Symbal

RESOLUTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by the Chocolay Township Board of Trustees of the Charter Township of Chocolay at their regular meeting held on May 8th, 2023 at 5:30p.m. in the Chocolay Township Fire Hall, with a quorum present.

_____ Dated: _____
Clerk

DISCUSS REPLACEMENT OF THE FIRE DEPARTMENT BRUSH TRUCK.

Manager De Groot stated that last December we had a DOT inspection on our brush truck. Historically we would take a DPW truck to outfit for its brush truck. At the DOT inspection, it was determined that this truck should be taken out of operation.

There is now discussion going on in the Fire Department as to what is needed, capabilities, and how often the truck would get used. There are duty ready wildland trucks which run about \$175,000 - \$200,000. They are outfitted with an enclosed tank and are a step-down version of our newest truck. There are also ¾ or 1 ton trucks that could be used and outfitted. The department has been challenged to compare these two types of trucks. No proposal has been put together yet. This is not in our budget for this year.

Mutual aid had brush trucks available and we have notified Central Dispatch that we are not able to respond. The DNR continues to be backup.

Engle felt that to purchase the totally outfitted truck would make more sense.

Manager De Groot indicated that the Fire Department would still need to be able to justify the purchase. There may also be a timing issue with a specialized truck. Discussion right now is to determine the actual use of the truck. Wildland truck versus multi use truck versus command vehicle.

Rhein asked if the old truck had ever been sold – De Groot indicated that it had been sold to Wells Township and they are extremely happy with it.

DISCUSS PARTICIPATION IN THE COUNTY HOUSING TARGET ANALYSIS STUDY.

Lynch moved, Zyburt supported that the Chocolay Township Board amend the FY 2023 Budget, Township Board allocation, from 101-103.000-956.000 Miscellaneous from \$11,700.00 to \$15,200.00 (increase \$3,500.00) to include the participation in a County Target Market Analysis.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Symbal

MOTION CARRIED

MANAGER UPDATE FOR THE SEWER AND BUDGET

Sewer – almost over as we will soon be able to see if our grass is growing. Once this happens, he will start working with Oberstar to close out the project.

Budget – he will be bring the priority discussion to the next meeting in preparation for beginning to put together the draft budget for 2024.

BOARD MEMBER COMMENTS

Don Rhein – None

Kendra Symbal – Absent

Judy White – Attended the funeral on Saturday for Leo Goodwin (belonged to the senior group and was a past firefighter and fire chief). Wanted to commend the Fire Department (past and present members) for their attendance and the “Final Call” and sirens given in respect to Leo.

Dave Lynch – None

Ben Zyburt – None

Max Engle - None

Richard Bohjanen – Thanked the Board for carrying out the meeting in his absence last month and to Dave Lynch for “efficiently” running the meeting.

PUBLIC COMMENT - NONE

Rhein moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:14 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of April 17, 2023, Draft.
- B. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of April 19, 2023, Draft.

- C. Minutes – Marquette County Solid Waste Management Authority, Stockholder’s Meeting of April 19, 2023, Draft
- D. Minutes – Marquette Area Wastewater Advisory Board, Regular Meeting of March 14, 2023.
- E. Information – Chocolay Township Newsletter – April 2023

Max Engle, Clerk

Richard Bohjanen, Supervisor

CHOCOLAY TOWNSHIP NEWSLETTER

May 2023

DEPARTMENT REPORTS

Clerk

By Lisa Perry

Mother Nature sure showed us that she is still in charge. The May 2, 2023 Special was held even though the county was cleaning up from a major snow storm. The following are some of the stats from this election. Thank you to everyone that came out to vote.

PROPOSAL SECTION – COUNTY				
<u>Marquette-Alger Regional Educational Service Agency Special Education Millage Proposal</u>				
This proposal will increase the levy by the intermediate school district of special education millage previously approved by the electors. Shall the limitation on the annual property tax previously approved by the electors of Marquette-Alger Regional Educational Service Agency, Michigan, for the education of students with a disability be increased by 1.5 mills (\$1.50 on each \$1,000 of taxable valuation) for a period of 20 years, 2023 to 2042, inclusive; the estimate of the revenue the intermediate school district will collect if the millage is approved and levied in 2023 is approximately \$4,765,811 from local property taxes authorized herein?				
	Precinct 1	Precinct 2	Total	
YES	319	382	701	
NO	246	247	493	
TOTAL	565	629	1194	
STATISTICS				
		Precinct 1	Precinct 2	Total
Registered Voters		2,634	2,440	5,074
Ballot Count (In Person)		77	95	172
Ballot Count (Absentee)		488	536	1,024
Ballot Count (In Person & Absentee)		565	631	1,196
Percent of Registered Voters		21.45%	25.86%	23.57%
Absentee Ballots	Issued	543	612	1155
	Returned on Time	488	536	1024
	Percentage	89.87%	87.58%	88.66%



Assessing

By John Gehres

We have begun reappraisal training with our new field person Justin Vasseau. Once our new appraiser is trained, he will be handling the bulk of field work. Other ongoing duties would include administering [principal residence exemptions](#), [principal residence exemption rescissions](#), [conditional rescission of principal residence exemption](#), the review of all deeds to reflect current property ownership, processing land division applications or any legal description changes to the assessment or tax rolls, and entering property transfer affidavits.

Fire Department

By Lee Gould

The fire department completely transitioned to the warm season for rescue calls which includes water and land-based rescue. Our water rescue gear is out and ready and the rescue 4-wheeler is loaded. Each year we get a few rescue calls.

May usually brings the Wildland Fire season. This year was overly wet for most of May due to the late spring. We only responded to one Wildland Fire that was bigger once the drought started. Fire calls overall in May started slow but ended the month in a frenzy. We had an 8 day stretch with 12 calls that kept us busy.

We continue to work on our project of replacing our Wildland truck and our oldest Tanker. Our former Wildland truck was taken out of service in late 2022 due to major degradation. We are looking at what would serve our needs for our mixed rural/commercial areas. Our tanker replacement project will take some time. Trucks are still 35-48 months out from delivery once ordered. We are looking at what our needs are and what is the best

option for a tanker to serve the community for the next 20 years.

Public Works

By Brad Johnson

The brush drop off is over for this spring. We received a fair amount and now have fresh wood chips available for residents.

We are now in full summer mode. Mowing has started, baseball and soccer has started, the dock is in, clean up from the winter is over and lots of people have been out in the recreation areas.

There will be a full road closure on Cherry Creek Road for about 2-3 weeks to replace a culvert under the road for Cedar Creek. There will be a detour in place and letters have been sent to the residents that will be affected by this project.

I have been working with MDOT on a fix for the water pooling in front of our fire station every time it rains hard and during the spring melt. At times I have seen the water pool out to the center lane, this causes a significant safety issue for drivers. The problem is the storm drain has a very low slope to it and it drains into Silver Creek over by the Quick Lube. If the creek happens to be high, the water has no way to drain resulting it to back up in the pipe and catch basin and into the highway. My suggestion to them was to put another pipe in the catch basin at a higher level than the current discharge pipe and drain it in our retention pond on the North side of the fire station. MDOT sent out a survey crew to shoot some measurements to see if the grades will allow them to move forward with this fix. I have not received the results from the surveyors at this point.



Technology

By Dale Throenle

Comments regarding the proposed Township web site have been submitted to the developer for review.

Tentative go-live for the new web site is late May/early June.

Planning / Zoning

By Dale Throenle

Planning Commission

The Planning Commissioners participated in a meeting held on May 15 in the Township Fire Hall.

There were five items on the agenda for the regularly scheduled meeting; two were considered old business, and three were considered new business. The Commissioners also conducted a public hearing regarding a conditional use permit for JX Trucking Center.

Commissioners decided to address new business before old business.

New Business

- 1) Conditional Use Permit CU 23-11 - JX Trucking Center

JX Trucking Center requested a conditional use permit for their business proposal that will be located in the former Blondeau Trucking building behind the Dry Dock; Commissioners conducted a public hearing prior to discussing this item. After discussion, the Commissioners decided to grant the conditional use permit for the project.

- 2) Final Site Plan Review Application SR 23-12 - JX Enterprises, Inc.

Commissioners reviewed and discussed site plans with the applicants for the proposed trucking facility that will be located on in the former Blondeau Trucking building. The

applicants stated that the facility will have an addition added to accommodate a proposed sales area.

After discussion, the Commissioners approved the site plan.

- 3) Planning Commissioner Training - Site Plan Review

Township Manager Bill DeGroot presented training to the Commissioners regarding site plan review.

Old Business

- 1) Proposed Zoning Ordinance Definitions
Commissioners reviewed several definitions and decided to table the remaining discussion until the June meeting.

- 2) Proposed Agriculture Zoning District Language

Commissioners decided to table the remaining discussion until the June meeting.

Zoning

New Flood Maps

FEMA has released a preliminary set of flood plain maps for Marquette County. This new set of maps includes flood plain determinations for those living along Lake Superior.

Please review the maps and related information to determine if the data represented on the maps is accurate for your location. There is an appeal process that began on May 5 and will be open through August 3. Click [maps and information](#) to view the appeal process, the insurance study, and the proposed maps.

Zoning Board of Appeals

The Zoning Board of Appeals did not meet for its regular meeting in May and will not meet in June.



Police

By Liz Norris-Harr

Cadet Mitchell and Cadet Harvala have completed their first few weeks of the academy. They are doing very well and learning a lot. Keep an eye out in the community for them as they have been volunteering through the academy for security at local events!

Sgt Carrick took it upon himself to attend an American Sign Language class at NMU this semester. Sgt Carrick feels ASL is a tool that will help him communicate with civilians he meets

whether it be a traffic stop or in Cherry Creek School. Thank you, Sgt Carrick, for going above and beyond!

Sgt Carrick also completed his Taser Instructor training this month. This will recertify him to continue instructing our department in taser use.

Administrative Assistant Liz graduated from NMU this semester. She obtained a certificate in Applied Workplace Leadership. The focus of this certificate was diversity and inclusion in the workplace. Liz says she took these classes to help build and strengthen a cohesive team. Thank you, Liz, for taking that initiative.

Prescription Drug Collection

Prescription drug collection through the drop-off box at the Township Police Station.

Month 2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Pounds To-Date	5.5	4	8.5	7	2.5							
Pounds Year To-Date	5.5	9.5	18	25	27.5							

FOIA

REQ #	Date Rec	Res by Date	Invoice Sent	48 Days Invoice	10 day Ext Sent	10 day Ext	Response Date	Link to Documentation	Description	First Name	Last Name
23-1	2/6/2023	2/10/2023					2/7/2023	23-1 Glendon	Police Reports	Jessica	Glendon
23-2	2/15/2023	2/21/2023					2/15/2023	23-2 Dankin	Police Reports		Ferrell
23-3	2/24/2023	3/3/2023					2/28/2023	23-3 Skyline Lien Search 02.24.23	Property Information	Skyline Lien Search	
23-4	3/6/2023	3/10/2023					3/10/2023	23-4 Hyde 03.06.23	Police Reports	George	Hyde
23-5	3/14/2023	3/20/2023					3/17/2023	23-5 Mulcahey 3-14-23	Job descriptions	Deborah	Mulcahey
23-6	3/14/2023	3/20/2023					3/16/2023	23-6 McLaughlin 3-14-23	Police Reports	Michelle	Philips
23-7	3/17/2023	3/24/2023					3/21/2023	23-7 Broser Request 3-17-23	Police Reports	Nicole	Broser
23-8	3/20/2023	3/27/2023			03/24/2023	4/11/2023	4/5/2023	23-8 Mulcahey request 3-20-23	Job descriptions	Deborah	Mulcahey
23-9	3/14/2023	3/21/2023			03/21/2023	4/4/2023	3/23/2023	23-9 Metropolitan request 3-14-23	Fire Report	Metropolitan	Reporting Bureau
23-10	4/5/2023	4/12/2023					4/12/2023	23-10 Eric Riley-GFL Environmental	Refuse/Recycle Information	Eric	Riley
23-11	4/12/2023	4/18/2023					4/18/2023	23-11 Carrie Vanlandshoot 04-12-23	Police Reports	Carrie	VanLandshoot
23-12	4/14/2023	4/21/2023					4/18/2023	23-12 Tormis Request 4-14-23	Contracts and accounts receivable	Angel	Tormis/ Steep Steel
23-13	4/19/2023	4/25/2023					4/19/2023	23-13 Ryan Talbot-Flagstar Bank 4-19-23	Police Reports	Ryan	Talbot/Flagstar Bank
23-14	4/25/2023	5/2/2023	5/10/2023	6/27/2023	04/25/2023	5/16/2023		23-14 Miller request 4-25-23	Election Materials	Yehuda	Miller michiganops
23-15	5/3/2023	5/9/2023					5/8/2023	23-15 Nicole Brozek-Curran & Co 05.03.23	Police Reports	Nicole	Brozek/Curran & Co.
23-16	5/4/2023	5/10/2023					5/8/2023	23-16 Lombard 05.04.23	Police Reports	Kristen	Lombard
23-17	5/17/2023	5/24/2023					5/24/2023	23-17 Cass 05.17.23	Police Reports	Cheyenne	Cass



Web Page Statistics

Year to date totals through May are shown in the table.

Month	Unique Visits	Number of Visits	Pages	Hits	Bandwidth (GB)
January	2,166	4,268	16,517	31,093	14.68
February	1,972	4,032	22,272	34,526	20.39
March	1,808	4,059	18,225	30,410	13.34
April	1,843	4,028	17,535	29,540	17.12
May	702	1,379	5,299	6,399	3.11
Totals	8,491	17,766	79,848	131,968	68.64
Averages	1,698	3,553	15,970	26,394	13.73

Highest hits per day in May for the Township web site occurred on Monday and the highest peak usage time was 11 PM to 12 AM.

Downloads

There were 481 downloaded documents in May. The top ten documents downloaded were:

Page	Number of Downloads
FEMA Flood plain map revisions	73
2023 Meeting Dates	35
2023 Notification Dates	35
Township Board minutes – 03.13.23	26
Township Board minutes – 02.13.23 joint meeting	24
Township Board minutes – 04.10.23 draft	24
Township siding RFP	24
Township Board minutes – 01.09.23	24
Township Board agenda materials – 05.08.23	23
FOIA request for public records	22



Page Visits

Top ten pages visited in May were:

Top ten pages visited in July were: Page	Number of Views
Agendas and Minutes – Township Board	152
Agendas and Minutes – Board of Review	83
Contacts	121
Information and Newsletters	126
Public Notices	117
Forms	110
Recreation directory	108
Recycling	92
Fire	83
Public Works	82

Zoning Permit Counts

Zoning permit counts through May, 2023:

2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
Month	Number of Permits	Permit Type	Approved Number	Denied Number
January	0	Addition	2	0
February	0	Alteration	0	0
March	6	Commercial Outbuilding	0	0
April	11	Conditional Use	2	0
May	11	Deck	2	0
		Fence	8	0
		Garage	2	0
		Grading	0	0
		Home	3	0
		Home / Garage	0	0
		Home Occupation	1	0
		New Commercial	0	0



2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
			Approved	Denied
		Outbuilding	4	0
		Pole Building	0	0
		Rezoning Application	1	0
		Sign	1	0
		Site Plan Review	2	0
		Zoning Variance Request	0	0
Total	28	Total	28	0



**MARQUETTE COUNTY PLANNING COMMISSION
MEETING MINUTES**

April 5, 2023

1. Call to Order: The meeting of the Marquette County Planning Commission was called to order by Commissioner Kaiser at 6:30 p.m.
2. Roll Call: Commissioners present: Karen Alholm, Ken Kaiser, Mike Touchinski, and Kathy Vermaat. Commissioners absent: Charles Bergdahl, David Slater and Bob Struck. Staff present: Emily Leach, Amy Stephens, and Katie Labyak. Public Present: Eli Williams.
3. Approval of Minutes: Commissioner Vermaat asked to change 7d. to state, “I assisted in drafting the safeguards.” Commissioner Alholm motioned to approve the March 1, 2023 minutes with this change, supported by Commissioner Touchinski. The motion carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Vermaat motioned to approve the agenda, supported by Commissioner Touchinski. Motion carried unanimously.
6. Public Hearing: None.
7. Communications: Commissioner Alholm motioned accept and file and approve communications, supported by Commissioner Vermatt.
8. Monthly Reports: Commissioner Kaiser commented there is a lot of money for trainings and asked if there were any. Ms. Leach commented there is a conference at the end of the month, she has a couple coming up, along with Forestry Conference and a few others. Also she mentioned this was just the general planning budget. Commissioner Alholm made a motion to file the March, 2023 monthly reports, supported by Commissioner Touchinski. Motion carried unanimously.
9. Old Business: None.
10. New Business: Ms. Leach introduced Amy the new planner.
 - a. Forsyth Township Zoning Amendment 1- Ms. Leach said the proposed amendment is to rezone 40-acre parcel from Open Space to R2. The township does not agree it should change according to the land owner. It would partially be alignment with R2, but would block off open space off of Princeton Drive. Commissioner Vemaat questioned if it’s the parcel across. Ms. Leach confirmed it is. Future land use, northern section is designated as conservation, recreation with residential mixed in. Historically it was used as an open pit mining area. Staff is recommending going along with the township to not support. There was further discussion about how this parcel has multiple zoning already. Also, South of Ironwood Drive make sense to rezone, but North does not. Commissioner Touchinski motioned to not support the amendment, but are there ways the land owner can be accommodated since there are homes in the area. Pin it down to a certain area. Commissioner Vermaat supported and the motion carried unanimously.
 - b. Forsyth Township Zoning Amendment 2- Ms. Leach stated this parcel is 37-arces and they want to rezone from Open Space to R2. Its currently surrounded by R2 as well as Open Space. On the future land use it is designated as Medium Density Residential and appears to be a logical change. Staff recommends to support this proposed amendment. Commissioner Kaiser added that his one makes sense. Commissioner Alholm approved staff recommendation, supported by Commissioner Touchinski. Motion carried unanimously.
 - c. Forsyth Township Zoning Amendment 2- Ms. Leach stated there are a lot of parcels in this one. This proposed amendment is to rezone 160-acres from C2 to mixed use. On the future land use map, the legend didn’t print properly. There are three red lines in a row, red line phase 2, should be black dashed, diagonal line and red line phase 3 should be red dashed. There is a lot going on, but we think it could be

supported, but its suggested they change the future use map to go along with the change. Commissioner Vermaat questioned that the mixed use was a changed recently. Ms. Leach confirmed that it was along the road. Commissioner Kaiser supported this, but for the future land use North East corner they have as Forest Reserve. That seems odd because it is so busy. There was further discussion about changing it again and possibly more changes in the future and houses mixed in with businesses. A mixed use development plan was passed around to help understand. Ms. Leach stated that at the hearing the only public comments were about taxes being lowered. Commissioner Touchinski made a motion to support staff recommendation to the change, supported by Commissioner Vermaat. The motion carried unanimously.

11. Announcements: Amy introduced herself. Commissioner Touchinski asked for her input on the Rec show. Amy said it went well and people were making reservations after. She suggested that there be a little more advertising for Harbor fest and sell merchandise to help pay cost of booth. Commissioner Alhom stated that the board passed the Climate Resolution. Ms. Leach added it was overshadowed by the airport changing its name. Commissioner Vermaat added there is a Cuppad meeting later this month.
12. Public Comment: None
13. Adjournment: Commissioner Alhom motioned, seconded by Commissioner Vermaat to adjourn the meeting. The motion carried unanimously. Commissioner Kaiser adjourned the meeting at 7:05p.m.

Respectfully submitted,

Katie Labyak, R/M/D Support Staff

**MARQUETTE COUNTY PLANNING COMMISSION
MEETING MINUTES
MAY 3, 2023**

1. Call to Order: The meeting of the Marquette County Planning Commission was called to order by Commissioner Kaiser at 6:30 p.m.
2. Roll Call: Commissioners present: Karen Alholm, Ken Kaiser, Mike Touchinski, Kathy Vermaat, and Bob Struck. Commissioner absent: Charles Bergdahl. Staff present: Emily Leach, Amy Stephens, and Katie Labyak.
3. Approval of Minutes: Commissioner Touchinski motioned to approve the minutes, supported by Commissioner Slater. The motion carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Alholm motioned to approve the agenda, supported by Commissioner Vermaat. Motion carried unanimously.
6. Public Hearing: None.
7. Communications: Commissioner Touchinski motioned accept and file and approve communications, supported by Commissioner Slater. Motion carried unanimously.
8. Monthly Reports: Commissioner Touchinski made a motion to file the March, 2023 monthly reports, supported by Commissioner Struck. Motion carried unanimously.
9. Old Business: None.
10. New Business:
 - a. Sands Township Text Amendment- Leach states, Sand township wants to add a section to text amendment to the LED signage. The planning staff compared by looking throughout other counties to see what other municipalities had. The only thing they could find for Marquette City was for the nits (brightness) Amy added that the max nits are at 750 max and should not exceed 200 nits during darkness. The 200 nits are comparable to a T.V screen or computer monitor. Leach said for rural areas it makes sense compared to the city of Marquette. As far as movement, any spinning, twirling or any motion, they may want to consider that in their language. These signs would be permitted in commercial and industrial districts. For our staff recommendations we would like movement considered and the language about rural areas to be defined as well. There was further discussion about how distracting signs can be, especially along the highway and the areas these signs are permitted. Commissioner Touchinski motioned to accept staff recommendations and forward the comments. It was supported by Commissioner Struck. Motion carried unanimously.
11. Announcements: Leach talked about how they have been very busy helping with the flood issues in the West End and Michigamme. They went all the way to edge of the county and the McCormick Track. Thyra followed the Michigamme River in a helicopter and we made maps to share with the governor. Commissioner Struck asked what they did for the flood issues? Leach responded that they spoke to the residents if they were around, took photos and noted damages. Part of departments roll is the damage assessment team. Leach asked to have commissioner share the online reporting for people to report their damages. There was further discussion about emergency funding and to document the damage and damage costs to help declare the state of emergency. Commissioner Struck added he wants to make sure that people are aware of the important things the planning commission is doing.
Leach also mentioned that Big Bay break wall broke. The bolts came out but the steel is still okay. However, there is a gap a few feet long. Sven had received some calls about water coming through before the last storm. The

Army Corp of engineers did come and make an assessment before it broke. We shared this information with the Army Corp after it broke and they came again to assess. The issue is there no money to fix it, but we are working with Scott Erbisch and asking legislatures to push for Army Corp funding.

The campground is opening in 2 weeks and staffed got pushed back to start on Friday due to the snowstorm. Sugar Loaf is now open.

Leach talked about the forestry conference in Florence, WI. They talked about China buying out paper mills and climate change and tree adaptation. Red pine is going to start being planted and start the transition.

Commissioner Touchinski mentioned it holds more money in the market.

Commissioner Vermaat did not attend the Cuppad meeting due to being out-of-state, but said that Corkin stepped down and Thyra is the new chair person. Also, Leach is a member at large now. There was further discussion on not making quorum.

Commissioner Kaiser attended the Township Assessment Meeting and there was over 1,000 elected officials. He was very impressed. He also stated he will not be at the July 12th meeting.

Leach will not be at the June 7th meeting.

12. Public Comment: None

13. Adjournment: Commissioner Struck motioned, seconded by Commissioner Vermaat to adjourn the meeting. The motion carried unanimously. Commissioner Kaiser adjourned the meeting at 7:01p.m.

Respectfully submitted,

Katie Labyak, R/M/D Support Staff

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
May 02, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 02, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, M. Rayner, K. Clegg, C. Gottlieb, S. Lawry, Chair S. Mittlefehldt, and Vice-Chair N. Williams

Absent: A. Andres, D. Fetter (both excused)

AGENDA

It was moved by S. Lawry, seconded by K. Clegg, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 04-18-23 were approved by consensus with the correction of an error pointed out by C. Gottlieb and a correction to a comment attributed to S. Mittlefehldt.

PUBLIC HEARING**A. 01-REZ-05-23 – 1501 Division St. (PIN: 0020470) – Rezoning Request**

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property at 1501 Division St., which is currently zoned Medium Density Residential, to be rezoned to Mixed-Use.

She said that attached to the agenda is a staff report and referenced and showed on-screen the rezoning application; the area map, block map, and existing zoning map - all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report the Future Land Use Map from the Community Master Plan (CMP) outlining the parcel as single-family residential, and the Proposed Zoning Map from the CMP showing this parcel as Medium Density Residential (MDR). She said there were also rezoning items for the board to consider, and that the memo attached includes a history of the zoning of this property, which was General Business and then it became Traditional Neighborhood-Commercial Residential, then rezoned to MDR, but it has been a commercial use. She also said that at their April 18th meeting, the Planning Commission discussed potential changes to the Future Land Use Map and Proposed Zoning Map, and they discussed that this property be changed to Mixed-Use. She said that we did not receive any correspondence for this case.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Patty Barton, 260 Chapel Ridge Rd. (Marquette Township), stated:

She and Scott Knaffla are owners of the building, having bought it in 2015 and then opened a financial services office. She said that she has retired, and Mr. Knaffla has purchased the practice but had to move for more space, and when she put the building up for sale she learned that it had been rezoned to residential. When a potential buyer wanted to know if it would be guaranteed that he would be able to sell it as an office space, of course he talked to Andrea and there's no way they can guarantee it, so I

continued to run my LLC out of that which (inaudible) building. When it didn't sell I decided that since it was residential maybe I could turn it into a residence, but there were all kinds of costs like tearing out the parking lot. So, I decided to keep it and we put it into our LLC, which we own some properties and rentals – Method Real Estate Partners - and along the way we found a renter that wants to put a pie shop in there and it also affords me the opportunity to help someone with their business and cook at the same time. And that is where we're at right now, and now that its zoned residential that is why we're applying for the rezoning.

S. Mittlefehldt stated that the Planning Commission members may ask questions now.

K. Clegg asked if Ms. Barton had a lease agreement in place with Peace Pies.

Ms. Barton stated - yes.

K. Clegg stated:

Ms. Barton - as far as you know or can recall, has this been used as a residential building?

Ms. Barton said that she had been here a long time and that when she was in college it was King's Party Store, and then when the O'Neill's bought it Menze put an addition on, and the parking lot. She said she didn't know what it was after the party store.

S. Lawry said there was a hair salon there.

Ms. Barton said yes, it has always been commercial as far as she knew.

C. Gottlieb asked Ms. Barton - as long as you have owned the building it has never been used as a residence?

Ms. Barton stated - no.

S. Lawry asked Ms. Barton if she has had a business operating there continuously with your LLC?

Ms. Barton stated - yes.

K. Clegg asked Ms. Barton if she were aware in 2019 that the zoning was being updated?

Ms. Barton stated – no, and that she found out when she spoke with A. Landers about this.

A. Landers said that just so you know, there was a rezoning that covered the entire city in 2019.

City Planner and Zoning Administrator D. Stensaas stated that hundreds of parcels were rezoned and individual property owners were not necessarily notified, but the recommendation goes back to 2015, in the Community Master Plan – that is where this zoning recommendation came from.

S. Mittlefehldt opened the public hearing.

Mr. Rob Dendel, of 535 W. Ridge St., stated:

I'm a contractor, I've built many commercial kitchens, restaurants, wineries through the years. And I'm looking at that building and it, for me as a builder, I look at it as a commercial property, I don't see a

residence at all. I see handicapped access already there and I would like to support the future business and highly recommend that we move it into what the building already is. I mean it has professionally done accesses and you don't see that everywhere in businesses right now. And to keep it simple, it makes more sense to keep it commercial than to spend thousands of dollars to move it back to residential. There's not even a place for a garden or yard, it's all parking lot. It looks commercial and I would have never guessed it was residential. The business that's going in is something that will have quiet hours, its not going to be late-night like a liquor store or a pot shop...it's a quiet business. I want to say that I support your decision to make a proper change to a commercial property, and I don't think you're going to see they have to do a bunch of construction to make it a commercial property, I think its on the road to success already. Thanks.

Bryan Sromalski, 214 W. Hogan Alley, stated:

My property is not adjacent, but pretty close to this property. I was born and raised on Hampton St. and have been a resident of south Marquette my whole life. I fully support this even though it's going to be a pie company and I'm probably going to get really fat from it. Obviously that building is a commercial building and as long as I remember it always has been. I don't see any negative impacts on the neighborhood and believe that most of the properties on that stretch of Division St. would be better off as Mixed Use for businesses and the future development of Marquette. Thank you.

It was moved by K. Clegg, seconded by S. Lawry, and carried 7-0 to suspend the rules for discussion.

K. Clegg stated:

It seems to me it was an oversight on the Future Land Use Map, per our discussion two weeks ago, that we made a mistake when it was rezoned and that it has always been commercial. These people have been continuous in their use, as continuous it has been legal-nonconforming and now there is a good business slated to go in and it could become an anchor business in the S. Marquette community. I would like to fully support that. I'm not entirely certain how to go about that in our rules but I want to support that.

S. Lawry stated:

I was on the Commission in 2015 and can attest that it is an oversight because we were going through maps street by street and any of the major streets like this, basically we were trying to create Mixed Use districts. Following those streets, wherever there was existing business or had been a history of corner stores or other types of businesses like that it was an attempt to try to reestablish that type of neighborhood along just about all the major traffic corridors. And perhaps this was in a form-based district that allowed commercial at that time, maybe that is why it got overlooked. I don't know, but I wasn't around in 2019 when the rezoning finally happened, but I do know that the intent and all of the goals that we're supposed to be comparing it to in the Master Plan were to create Mixed Use in that type of neighborhood, including any parcels that were already in a mixed-use type of status.

S. Lawry said that he does have a question for staff. He stated that on the decision tree from page 3-32 of the Master Plan – is that a regulation or a guideline.

D. Stensaas stated:

Yes, that's more of a guideline. Inasmuch as the Community Master Plan itself is a guide, and we went over this before, but the recommendations of the Master Plan aren't binding in the state of Michigan. It's recommended that you follow it, but there's always going to be something that requires an appeal

process or a variation and that's why I included that phraseology in the memo that you got on this case to address this, because you're absolutely correct - that somehow this parcel fell through the cracks when we were reassigning, looking at the parcels back in 2015. There are only seven-thousand parcels in the city, so it's a shame that we missed one, but we did.

S. Mittlefehldt stated:

So just a point of procedure, Dave, do we need to go through the amendment procedures listed in section 1405 and get consensus on each one?

D. Stensaas stated:

I don't think you necessarily need to do that, but the spot zoning criteria are worth looking at.

S. Mittlefehldt stated:

Sure. And also maybe look at the Mixed-Use zoning - I think we're all excited about the pie shop - but maybe think about twenty years from now it's still Mixed Use and are we still okay with that? Maybe we should look at that just to make sure. Okay, so for the issue of spot zoning, there are the MSU Extension guidelines on the sheet in the packet that has factors to consider. I don't see this as a spot zoning issue, because it does have Mixed Use just to the north, and as Commissioner Lawry said, it was the intention in 2015 to create these nodes along (inaudible).

M. Rayner stated:

I didn't view it as spot zoning at all and don't think it meets the criteria.

D. Stensaas stated:

It would have to meet all four of the criteria to be a spot zone. But it's good to clarify this decision and get it on the record.

S. Lawry stated:

I believe this is an expansion of the existing district across the street.

S. Mittlefehldt stated:

The other main question is "Is it an appropriate location for the zone, for Mixed-Use". So, can we zoom up to the Mixed-Use [land use] standards in section 54.311 just to consider if there is anything listed as a principal use that as some future point in time that we would think is inconsistent with this site. Hopefully you've had a chance to look at this, and we have Mixed-Use districts in other areas so we are familiar, but just to dot our i's and cross our t's with this and make sure there is nothing here that would be of concern at some point. Anybody?

K. Clegg stated:

Nothing major jumps out to me as contradictory to that property as a Mixed-Use zone.

C. Gottlieb asked - Special Land Uses would have to come back to the Planning Commission?

S. Mittlefehldt stated:

Yes, and there would be a public hearing. If people are good with Mixed-Use as an appropriate district and are supportive of this zoning amendment process, unless there is more discussion does someone want to make a motion?

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 7-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-05-23, the Planning Commission finds that the proposed rezoning is inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-05-23 as presented.

NEW BUSINESS

A. 03-SUP-06-22 – 442 McMillan Street (PIN: 0514960) – Extension Request

Zoning Official A. Landers stated:

Attached in the agenda is correspondence from Geoffrey Murray, who owns 442 McMillan Street. He is requesting an extension to a previously approved new duplex dwelling. The project will currently expire on June 21st, 2023. And also attached are the June 21, 2022, Planning Commission meeting minutes. If action is not taken to implement a Special Land Use within a year it shall expire, so he is asking for a one-year extension, and the Commission may, at its discretion, schedule a public hearing, and not more than two extensions may be granted.

S. Lawry asked to clarify that a public hearing is discretionary and not required.

A. Landers said that is correct.

C. Gottlieb asked if anything has changed regulation-wise since last year when he first applied.

D. Stensaas stated:

That is a good question. There were some amendments to the Land Development Code that were just approved that will change some of the allowances for duplexes, such as now allowing parking spaces to be in the front on a driveway, but I don't think that those would have any impact on what is proposed in this particular spot, which is a 20,000 sq. foot undeveloped parcel with plenty of space for the driveways and everything.

C. Gottlieb asked if anything is now more stringent.

D. Stensaas said that if anything, the rules for duplexes are now more relaxed.

S. Lawry stated that the main objection from the neighbors seemed to be traffic-related and since all the children on the cul-de-sac are going to start driving at the same time – I think that is where the traffic problems are going to occur and not by the construction of the duplex.

S. Mittlefehldt asked if anybody had other thoughts on this or wanted to make a motion.

It was moved by S. Lawry, seconded by M. Rayner, and carried 7-0 to approve the request for an extension for case 03-SUP-06-22 with the expiration date to be 06-21-24 for the reasons laid out in the applicant's correspondence that the duplex would not be able to be owner-occupied until another year and a half.

WORK SESSION

A. Community Master Plan – Land Use Data

D. Stensaas stated:

A. Landers has been working hard to get this data compiled and she's going to show us what she has assembled and we are going to pass it off to our consultants, and while she is getting it on screen I'll share with you that Director Stachewicz and I will be meeting with Russ Soyering from our consulting team this Thursday for a tour of the sites that the community has identified as being possible transformative redevelopment sites. There are three sites that they want the community to weigh in on a bit more.

A. Landers said that they are looking at the "existing land activity" data and that she went through each and every parcel, but the parcel count doesn't add up correctly because we found that some of them were being double-counted. She said some condos were showing up as a unique parcel for each condo when there is only one parcel and so she had to fix those, and there are splits and combinations that have occurred over the years. The other thing you may have noticed is in the way that we've determined each category has been written out and explained so that it will be the same from going forward. She also said that many vacant and undeveloped parcels were listed as the same land use as the previous zoning, instead of vacant, and that is why we only showed 8 acres as undeveloped previously but it's actually 342 acres that are undeveloped. So, that's why you see a lower count now for some uses like commercial, and we don't have office as a land activity anymore, and I found a lot more Mixed-Use by going parcel by parcel and doing the research with it. She said that for the Open Space it includes the municipal land designated as park space, municipal and private land zoned as Conservation and Recreation, and BLP land used for recreation and city parks was not included in that since several of those places aren't approved parks yet. She then showed a map of existing land activity/uses with undeveloped land shown in gray.

The Planning Commission asked several questions about items of interest on the map and to identify specific businesses, proposals and ideas.

S. Lawry asked why the north and south Peninsula Medical Center parking lots were shown as different.

A. Landers said because the north is different than the south, which is a Mixed-Use zone.

D. Stensaas stated that he is reminded now of the parcel at the corner of Crescent St. and Lakeshore Blvd. that is bisected by the old railroad corridor, so it is on both sides of that corridor and is currently a PUD with a business in the building on Crescent. He said that the owner of that parcel has been inquiring about rezoning it to Mixed-Use, which is what is shown on our Future Land Use Map. He said he thinks that is a good idea if he wants to be able to also have residential in the building he owns. He said that the Zoning Map erroneously shows the eastern parcel as Mixed-Use. So, that is something to consider recommending to our consultants for the new FLUM and Proposed Rezoning Map.

M. Rayner asked how many acres of undeveloped land is there that could be used, is it 300 acres?

A. Landers stated it is 342 acres.

S. Lawry asked does that include the Heartwood Forestland?

A. Landers stated that is any of it that is undeveloped and owned by somebody else (not Municipal) and not in Conservation and Recreation zoning.

D. Stensaas stated that most of that land is in Conservation and Recreation zoning.

C. Gottlieb asked if any City-owned property is in the vacant category.

A. Landers stated that any vacant municipal, county, state and federal land that is vacant and not a park is in the Civic category for land activity. She said that the Conservation and Recreation [zoning] is within the Open Space category for land activity.

The Planning Commission and staff discussed some issues that the data revealed, including the large percentage of land area in the city that is non-taxable (about half) and of the taxable land area that single-family zoning districts take up about forty percent of that area.

D. Stensaas said that the large area dedicated to single-family housing brings us back to the discussion about should so much of the land area be dedicated to detached single-family housing when we need more missing-middle housing and building in greenfield areas is not economically viable at this time unless they are larger multi-family projects.

S. Lawry stated that from the minutes of the hearings last year on McMillan Street, that is pretty reflective of most single-family neighborhoods – they don't even want duplexes much less rentals or anything else and I think that's why people want to live in the city of Marquette. And, maybe it gets filled and maybe there isn't room for more, but housing changes hands all the time anyway. I know it's good for a city to grow, but it's also not good to build it in a way that residents don't want to live there anymore.

D. Stensaas said that we did see from the visual-preference survey results from the [Community Master Plan] open house that the majority of people that voted on those liked duplexes and triplexes, and that they didn't like townhomes. He also said that there are strategies we've talked about that can be used to chip away a little of the single-family zoning districts into allowing for some missing-middle housing.

S. Mittlefehldt stated that I have lived next to a pretty large multi-family apartment complex and it's been great, we've had friends that have lived there over the years and I think it's just, it's out of our purview, but the management of the multi-family structures, but they get a bad reputation when they aren't managed well. She said there is a fear of things that are different...but things are changing in other communities and change comes slowly to Marquette.

D. Stensaas stated that historically a lot of the single-family neighborhoods had a real mix of different types of housing, there weren't just single-family homes, and you can see that across Ridge Street, there are several buildings that were multi-family or duplexes when they were built.

S. Lawry stated that we must have lost a lot of duplexes to single-family homes or conversions into rentals for multiple students. He said both of his sets of grandparents lived in duplexes in the city, and had large families, and that he thinks it was fairly common to find duplexes on just about every block except E. Ridge St. before a lot of the big single-family lots existed. He also said that going back generations that people started out with – renting a duplex and then maybe owning a duplex, and I don't see them as bad like the minutes have reflected.

S. Mittlefehldt said that we had issues and some people don't want duplexes in their single-family neighborhood, it was very eye-opening.

S. Lawry said that duplexes were pretty consistently owner-occupied in the past too.

D. Stensaas said that he thinks since the expansion of NMU after the end of World War II there were more and more homes bought and turned into rentals and eventually a lot of students living off campus in duplexes, and there are still streets in Marquette where there are a lot of problems with poor property management. He said that it is also striking how much more property is being used for single-family than multi-family, it is unbalanced. He also said that there are a lot of housing units in the pipeline and in the next several months you'll be seeing site plans for some projects, but that still isn't necessarily going to meet the demand that is here once those units are built in a few years.

M. Rayner asked about vacant properties on the block of McClellan Ave. and Ridge St. Staff provided information on the developments that are in planning stages for the former Shunk's and Shopko sites.

D. Stensaas stated that we still have the zoning data to look at, and that staff will send this out to the board soon.

C. Gottlieb asked that a key be added to the chart for the zoning district acronyms.

Staff and the Planning Commission discussed the various subdistricts of the Downtown Marquette Waterfront form-based code district and the purposes of some of the subdistricts.

S. Mittlefehldt asked what staff needs the Planning Commission to do with this information.

A. Landers stated that tonight they just wanted to explain the data, but they will clean it up per the Commission's requests and Dave will send it out after he checks it. She also said that she included the 2014 data in the document for comparison and explanation, we don't have to include that with the revisions.

D. Stensaas said he thought it would be good to keep that 2014 data in the document to show the consultants for their analysis. He also stated that is all they have for this, and staff wanted to show the Commission the data and explain it and let them know they are almost done with it.

S. Mittlefehldt stated that's great, and if there are no other questions or comments we can move on to comments.

COMMISSION AND STAFF COMMENTS

K. Clegg stated that he was excited for the rezoning request tonight.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:10 p.m.