

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, March 20, 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)  
Donna Mullen-Campbell (Secretary)  
Rebecca Sloan (Vice Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Staff present:

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

**III. Additional Agenda Items / Approval of Agenda**

*Meister moved, Sloan seconded, to approve the agenda as presented.*

*Vote: Ayes: 7 Nays: 0 Motion carried*

**IV. Minutes**

**A. February 13, 2023 Joint Meeting**

*Rhein moved, Milton seconded, to approve the February joint meeting minutes as presented.*

*Vote: Ayes: 7 Nays: 0 Motion carried*

**B. February 13, 2023 Regular Meeting**

*Rhein moved, Mullen-Campbell seconded, to approve the February regular meeting minutes as presented.*

*Vote: Ayes: 7 Nays: 0 Motion carried*

**V. Public Comment**

Nancy Richards, 495 County Road 480

Spoke regarding the split of her family's property in the Agriculture Forestry district.

Missy Lehtomaki, Select Realty

Spoke on the different zoning ordinance options given regarding a property located at 6565 US 41 South and asked that the process be completed in a timely manner for all

interested parties.

## **VI. Public Hearings**

None

## **VII. Presentations**

None

## **VIII. Unfinished Business**

### **A. Proposed Zoning Ordinance Changes**

#### **Staff Introduction**

Throenle deferred the staff introduction to DeGroot.

DeGroot gave the background on the decision not to hold a public hearing regarding seven parcels located on US 41 South. He explained that the current zoning ordinance did not have an option for residential in the mixed use overlay and that the hearing could not take place because of the missing language.

He explained potential options for addressing the situation. Option one was to add residential as a conditional use in the Industrial district. Option two was to stay with the Commissioner's previous decision to rezone the properties to Commercial with a mixed use overlay, which would remove some available uses in the Industrial district and require changes to the mixed use overlay district. Option three was to write a new ordinance that followed the direction of the master plan for developing a new neighborhood mixed use district. He stated the purpose for the evening was to determine the direction the Commissioners wanted to go so that proper public notice could be posted for that choice. He added that following a finding of facts determination at the Planning Commission public hearing the determination would be forwarded to the Board for final action, regardless of the option selected.

For option one, DeGroot stated that a public hearing would be held, with the intent that all of the industrial areas would be affected. He added that the control for residential was the addition of the language as a conditional use.

For option two, DeGroot stated that three public hearings would be held, and they could be held sequentially at one meeting. He added that the direction for the change had to be for all seven property owners, not just one, and not remove land uses that were still needed.

Sloan asked what the time frame would be if option one was chosen. DeGroot responded that the applicant could apply for a conditional use application as soon as the Commissioners decided to move forward with option one.

Sloan stated that she believed that option two was the intended direction that the Commissioners had selected, as she felt the area appeared to be more commercial than industrial. DeGroot replied that if that direction was chosen, then the inherent rights of the Industrial district would be lost.

Gencheff asked if there was any current industrial activity in that area; DeGroot

responded that there was not. Rhein stated that there were rights that would be lost if the district was rezoned to Commercial. Gencheff responded that if the property owners consented that would not be a problem. Rhein responded that if any property owner rejected the change, then the process would have to be restarted.

Gencheff asked why the properties were rezoned from C-3 to Industrial. Throenle responded that C-3 in the 1977 ordinance was considered heavy manufacturing commercial, and there was no industrial district defined in that ordinance.

Soucy gave a brief background on why the discussion was taking place. He stated that the decision the Commissioners were making was not based on one property owner, but primarily for the purposes of addressing anyone who had a similar problem in the Industrial district. He stated option one would be the best solution for moving forward to resolve the issue.

Meister asked if there were any historical issues with the Industrial zoning as it is set up now, and if there were any problems with commercial type uses in those areas. Throenle responded that there was none.

DeGroot outlined the rebuild issue for the property in the district. He stated that financial lenders would not provide loans for the property as the property owner could not rebuild in the event of a total loss.

DeGroot asked the Commissioners to consider if the change they were looking at was a short term decision or if additional conversation was needed to look at matching the 2008 ordinance with the master plan.

Gencheff asked if option one could be completed in the short term while looking at other long-term solutions. Both DeGroot and Throenle stated that would be possible.

Sloan stated that the intent was to look at the longer term but that a short term solution should be considered.

DeGroot stated that the motion made in January was not driven by an applicant, which meant the Township would be making the change to the ordinance. He added that because the language did not exist in the current ordinance that the language could not be changed.

Meister stated that it would be reasonable in the Industrial district to have a residence on a property especially if the residence was part of a business. He stated that he was in support of option one, and that as discussions occurred in the future, the discussion could center on the uses in the district.

Soucy read the description of *Neighborhood Mixed Use* from the Township *Master Plan*; he emphasized that the change agrees with the master plan and the future land use.

### **Commissioner Decision**

*Meister moved, Rhein seconded, that the proposed language for the Township Zoning Ordinance listed as change number 34-23-01 Option 1 to add two conditional uses to the Industrial district be accepted as presented with the following findings of fact:*

- *Conformance to the direction of the master plan*
- *Residential use is reasonable for an ~~residential~~ **industrial** district **under some circumstances.***

Milton stated he did not feel it was a good idea to have residential in the industrial district. He stated he was not in favor of adding residential to the district.

Soucy stated the conditional approval would give the Commissioners the ability to look at the considerations for each conditional use as it is presented.

Meister added that for the house that is in the Industrial zone, the buyers would already know that the location was in the industrial zone. He stated that if a new residential build request was presented, the requestors would be well aware that the location was in an industrial zone, and they would be primarily be building where they work.

Sloan stated that the Township industrial areas were not truly industrial as she saw it. Soucy added that the area where the residence is currently located would be more neighborhood mixed use in the future. DeGroot reminded the Commissioners that the master plan was a guide to follow and that Commissioners could redefine what those characteristics are.

*Vote: Ayes: 6 Nays: 1 (Milton) Motion carried*

DeGroot stated that the next step would be to set up the public hearing and establish the language for Commissioner and public consideration. Throenle added that the public notification would be sent to all residents within 500 feet of all Industrial properties throughout the Township.

Soucy expressed his thanks for staff preparation of the options that were presented. Throenle asked Soucy if the public hearing should be scheduled for April 17, 2024; Soucy responded that was the correct date.

**B. Non-Conforming Parcels in the Agriculture / Forestry (AF) Zoning District**

**Staff Introduction**

Throenle deferred the staff introduction to DeGroot.

DeGroot introduced the topic with a background on the current zoning ordinance and the February joint meeting with the Board where the attorney provided some information regarding the Agriculture / Forestry (AF) zoning district non-conformances. He referenced a statement made in the 2005 master plan, followed by a reference to the combination of all districts into one AF district in the 2008 zoning ordinance. He stated that the primary direction was to reduce the non-conformances in the AF district, with the intent of getting public input during the process.

DeGroot referenced a document that was included in the Commissioner meeting packet, and explained the reasoning behind each of the three proposed districts. He added that the primary direction was to retain agriculture uses in each of the proposed districts.

## **Commissioner Discussion**

Meister asked if the presented document represented a sliding scale of property sizes. DeGroot replied that it was more of a guiding document for starting the conversation. He added that Township-wide town halls would be held to educate the public on the process.

Meister asked if a map change would be required; DeGroot replied that it would.

Rhein stated he liked the layout on the proposed document, especially since it did not remove rights from the current property owners. DeGroot replied that the document is still in draft form, and that other changes would be added later. Throenle added that the zoning district names could be any name; the uses would still be agriculture related.

Milton asked if the Michigan Land Division Act required ten years between splits; DeGroot replied that the parent parcel had to exist for ten years before the parcel could be split again.

Soucy stated that the document was a good starting point for the discussion. He asked how it would work if there was a holdout on changing the zoning for the area. DeGroot replied that the public hearing would be at the Planning Commission level and that the Board would be responsible for addressing the issue.

Meister asked what "unlimited" meant under the AF designation on the document. DeGroot replied this would be larger commercial type operations that were consistent with traditional agriculture practices.

Meister asked about the PA 116 designation. DeGroot explained that if a property was in the program, then the property would not be eligible for splits.

## **Commissioner Decision**

*Rhein moved, Meister seconded, that the proposed language for the Agriculture Forestry districts serve as a starting point for discussion.*

Sloan asked if the intent of the motion was to add further detail to the information that was already presented. Soucy replied that staff would add to the document and bring it back for future public discussion and Board decision.

Sloan stated that she understood that the non-conformances would still exist. DeGroot replied that once the language was implemented, then the non-conformances would be reduced as property owners decided to opt into the new districts.

Gencheff asked if someone that was zoned A-3 be able to change to A-1 allowing someone to achieve smaller parcel sizes in AF. Rhein responded that it would be possible, but each case would be reviewed by the Planning Commission prior to that happening.

Soucy asked if the deed restriction and master deed statements would stay with the property if a rezoning took place; DeGroot stated that it would stay with the property.

Sloan asked about updating the map to show how the parcels would be affected. DeGroot stated that the map does not make a difference because it would not reflect how the individual property owners felt about the rezoning of their individual properties.

*Vote: Ayes: 7 Nays: 0 Motion carried*

## C. Public Input Discussion / Survey Questions

### Staff Introduction

Throenle stated that there was a request for survey questions for the FlashVote tool to get additional data regarding the AF discussion; he added the idea was to get additional public input on the topic. Throenle requested five questions from the Commissioners for going forward and asked the Commissioners to avoid open-ended questions.

### Commissioner Discussion

Meister asked if there would be context added to the survey so that the public would understand the purpose of the question. Sloan added that definitions, such as non-conforming, would be required so that the public would understand the concept in the questions.

Soucy stated that he took a different approach to the questions by starting with a more basic approach and outlined his questions for the Commissioners. Meister proposed a question regarding rural character; Commissioners discussed the options to associate with the question.

Commissioners discussed the possible questions in more detail that should be included in the survey, and how the survey questions would be delivered to the public.

Milton asked how the survey would be advertised. DeGroot responded that a campaign would be put together to get the word out to the community.

Soucy asked if a virtual option could be added to the Township public meetings; DeGroot responded that it could.

DeGroot added that a statement would be added to the bottom of the survey to get participants to sign up for future survey participation. Meister suggested a popup on the Township website to suggest participation in the survey process.

### Commissioner Decision

*Rhein moved, Sloan seconded, that the questions for the survey be as follows:*

- 1) How do you like to receive notifications about upcoming events and Township information. (with a list of choices)
- 2) Are you familiar with the new Township *Master Plan* (yes / no) (add a link to the *Master Plan* with the survey question, if possible)
- 3) Are you familiar with the Township *Zoning Ordinance* (yes / no) (add a link to the *Zoning Ordinance* with the survey question, if possible)

4) Would you feel comfortable attending a future neighborhood public input workshop and sharing your thoughts on Township development or planning (yes / no)

5) Rural character question to be extracted from the 2013 master plan survey

*Vote: Ayes: 7 Nays: 0 Motion carried*

**D. Proposed Zoning Ordinance Definitions**

**Staff Introduction**

Throenle stated the definitions were those that were not covered during previous definition discussions. He added that there were sixty definitions found in section 5.5 and section 18.2 of the *Zoning Ordinance* have not been addressed yet.

**Commissioner Discussion**

Commissioners asked how the definitions would be addressed. Throenle proposed that each definition be looked at individually.

**Commissioner Decision**

*Rhein moved, Sloan seconded that the definitions be delayed until the next meeting.*

*Vote: Ayes: 7 Nays: 0 Motion carried*

**IX. New Business**

None

**X. Public Comment**

None

**XI. Commissioner's Comments**

Rhein

Felt there was much headway during the meeting. He thanked those attending the meeting for providing public comment.

Mullen-Campbell

Agreed with Rhein.

Sloan

Thanked the attendees for their comments; she felt it made the Commissioner's decision easier.

Gencheff

No comments.

Milton

No comments.

Soucy

No comments.

Meister

No comments.

## **XII. Director's Report**

Planning / Zoning Administrator Throenle

Throenle asked the Commissioners what items they would like to see on the agenda for April. He added that there would be a pending site plan review for the meeting.

Mullen-Campbell asked if the site plan was for QuikTrip. Throenle stated that QuikTrip would not be coming to Chocolate Township. He stated the possible site plan review will be for the Iron Workers project on M-28. He added that another site plan review could possibly be on the agenda for May.

Commissioners decided that three items should be on the agenda:

- 1) Public hearing for the 6565 US 41 property
- 2) Definitions
- 3) Pending site plan review

Meister added that at some point the Commissioners should look at the site plan submittal requirements. DeGroot added that other items such as natural features should be added to that discussion.

Meister suggested that a faster pace for development of the new zoning ordinance would be appropriate; DeGroot agreed.

DeGroot asked what items the Commissioners would like to continue training in the future. Soucy suggested that a site plan review workshop with site plan examples from other communities would be a good choice. Commissioners asked that the training be added to the May meeting.

Rhein stated he would not be at the April meeting.

## **XIII. Informational Items and Correspondence**

- A. Township Newsletter – February 2023
- B. Marquette County Planning Commission minutes 02.01.23
- C. Marquette County Planning Commission minutes 03.01.23
- D. City of Marquette Planning Commission minutes 02.21.23

## **XIV. Adjournment**

*Rhein moved, Sloan seconded, to adjourn the meeting.*

*Vote: Ayes: 7 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:05 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell