

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, June 19, 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)
Don Rhein (Board)
Stephanie Gencheff
Kendall Milton

Members absent at roll call:

Rebecca Sloan (Vice Secretary)

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Soucy requested that the conditional use hearing be moved to the beginning of the agenda, and the rezoning be moved to the end of the agenda or until the applicant arrives at the meeting.

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

Vote: Ayes: 6 Nays: 0 Motion carried

IV. Minutes

A. May 15, 2023 Meeting

Rhein moved, Mullen-Campbell seconded, to approve the May minutes as written.

Vote: Ayes: 6 Nays: 0 Motion carried

V. Public Comment

Bill Sanders, 105 Country Lane

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district.

Deborah Mulcahey, 633 Lakewood Lane

Spoke about the size of acreage in the agriculture zoning district and the uses within the district. Mulcahey stated her opposition to the concept as well as the

need for more public review and comment, referencing FlashVote. Additionally, Mulcahey spoke on the conditional use agenda item, and the rezoning agenda item.

Frank Jeffries, 545 Mangum Road

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district. He added that no one knew about the meeting and the discussion concerning the agriculture properties.

Rich Reader, 333 Green Garden Road

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district. He also added that he did not know about the meeting, and asked for a better way for residents to find out about what is going on.

VI. Presentations

None

VII. New Business

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

Staff Introduction

Throenle stated the reason for the conditional use request was give the new property owners the ability to move into the existing house and make it their residence. He added that the primary reason the process had to happen was that the mortgage insurance company could not insure the property as it was. He added that the zoning ordinance had been updated to allow the conditional use to happen.

No written comments were received from the public regarding the conditional use. No comments opposing the conditional use were received during the meeting.

Commissioner Discussion

Soucy stated the following findings of fact for discussion:

“That the proposed special use is supported by the master plan’s vision of future land use and complies with the standards of the zoning ordinance and

The special land use would bring the property into conformity. There is nothing different about it than what currently exists and so the change would have no impact other than to reduce that non-conformity and provide relief to the non-conformity.”

Meister asked if the owner / applicant were in the right order to complete the conditional use. Throenle stated that the owner applied and that the conditional use would transfer to the new owner after purchase of the property was completed.

Commissioner Decision

Mullen-Campbell moved, Rhein 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.

Vote: Ayes: 6 Nays: 0 Motion carried

VIII. Unfinished Business

A. Proposed Zoning Ordinance Definitions

Staff Introduction

Throenle stated that the definitions presented were the remaining definitions for consideration for the proposed zoning ordinance. He added that the definitions highlighted in yellow in the document were definitions that were for the same item but were found in two different places in the ordinance.

Commissioner Discussion

Gencheff asked why the State of Michigan requirements were removed from the day care definition. Throenle responded that it was an inadvertent removal from the language. Soucy added that he wanted to see the definition names changed to match the PA 116 Act of 1973 and to include the capacities in the definition.

Rhein suggested starting at the top of the definitions and going through the list. Throenle suggested looking at each group of definitions under each letter.

Meister stated that the second condominium definition could be removed; Soucy agreed.

Meister brought up questions regarding the fence definition and the height. He was concerned with the specified height for hedges or living bushes. He added that height should be clarified when the fence portion of the ordinance is discussed.

Gencheff asked about ground cover ratio. After a brief discussion, the Commissioners decided to leave the definition as is.

Meister recommended removing the second multi-family dwelling unit definition; Gencheff agreed.

Meister recommended removing "Subdivision" from the Rural Cluster Development Subdivision title.

Soucy requested that State licensed residential facility be removed as each are defined elsewhere in the definitions.

Commissioners decided to remove the word "literal" from the proposed variance definition.

Throenle emphasized to the public that the definitions would be draft only, and that they would not be officially adopted until the new ordinance was adopted.

B. Proposed Agriculture Zoning District Language

Staff Introduction

Throenle stated that in 2008 the agriculture district was changed to move all agriculture properties to a twenty acre minimum. He added that the reason for the establishment of the proposed agriculture districts was to return the sizes to the sizes established prior to the 2008 ordinance, and to reduce the current non-conformities in the current AF zoning district.

He also stated that the agenda was posted each month on the Township web site, and he apologized to those in attendance if they did not get the meeting notice prior to the meeting.

He added that Commissioners should look at each of the district's uses to determine what would be permitted and what would be conditional. He stated that the language developed will be considered draft language, and that there would be future town hall meetings with the public to review the language.

Commissioner Discussion

Soucy stated that the Township attorney said that nothing could be completed until the public had a reasonable opportunity to respond to the changes. Throenle added that the intent was not to overdevelop the Township or to increase the tax base.

Meister added that the intent was to address the sizes of the existing parcels, especially those that were in the one and two acre sections. He added that changes may occur after reviewing the draft maps and public input. Throenle added that the review of the uses would determine what could happen in each of the smaller districts.

Commissioners reviewed the intent statements for each of the districts. Throenle explained the legend in the document that would be used during the discussion. Throenle requested that the Commissioners use the *Proposed Land Use Cross Reference* document that was provided in the packet to review the districts.

Commissioners reviewed each of the land uses found on the document, and provided suggested changes. Throenle explained that the uses highlighted in green were State-related, and he would provide further detail on those at the next meeting.

Commissioners reviewed the restrictions and prohibitions comparison included in the document. They removed "no animal farming or riding activity" from AG 1; removed "limit of one domestic animal per acre" from AG 2; and removed "Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed" from AG 3.

Commissioners did not remove anything from the regulatory control comparison table. Soucy recommended adding the *Michigan Planning Enabling Act* and *Michigan Zoning Enabling Act*.

Commissioners did not add any additional items to the use table from the suggested added uses table as those items were covered in earlier discussions during the meeting.

C. Proposed Land Uses

Commissioner Discussion

Meister stated he was not sure he wanted the minimum acreage size to be ten acres for the agricultural district. Rhein asked Meister if Meister wanted the size to be fifteen acres. Meister stated he was concerned what the view would be and if it would still be “rural character” if the acreage was set to ten acres.

Commissioners discussed this change and decided to change the acreages to under three acres in AG 1, three to fifteen acres in AG 2, fifteen acre minimum in AG 3.

Commissioners discussed the lot size minimums and setbacks and accepted them as presented in the document.

Sanders requested to be able to give public comment; Soucy suggested that Sanders meet with him during the break.

Commissioners took a five minute break at 8:31 PM and started with the rezoning application (item VII.B) when they returned.

VII. New Business

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

Staff Introduction

Throenle stated that the applicant, who is the owner of the parcel, had purchased the property from the State of Michigan. Throenle said that this presented a unique situation, as the land was shown on the Township zoning map as State Lands, but there was no corresponding section in the zoning ordinance that provided permitted or conditional uses for State lands. Because the applicant wanted to put a structure on the property, Throenle stated he could not sign a *Zoning Compliance* permit because there were no uses defined in the zoning ordinance. He added that the Township attorney had stated that because the lands were identified on the zoning map, they were considered zoned, and a rezoning of the property was required to get the issue properly resolved.

Throenle added that the applicant had already built a structure on the property without a permit, which further added to the complexity of the problem. He added that regardless of the type of structure, agricultural or otherwise, a zoning compliance permit was required for reasons of determining where the structure was located on the property.

Public Hearing

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

Vote: Ayes: 6 Nays: 0 Motion carried

Public Hearing Comment

Kathy Aalto, 430 Foster Creek Drive

Gave a brief history on the parcel in question. She expressed concerns about the

structure being built without permits and owner hunting on the new property. Using the computer monitor available at the meeting, she showed the Commissioners the location of the property and the location of the new structure.

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

Vote: Ayes: 6 Nays: 0 Motion carried

Commissioner Discussion

Soucy asked Throenle what the options were regarding the rezoning and the violation on the property. Throenle responded that the State lands had to be rezoned according to the attorney direction. Meister stated he was not sure that the structure was an agriculture building. Throenle stated staff had looked at the same picture and had drawn the same conclusion; he added that the concern was rezoning the property with a newly added violation on the property.

Further discussion continued among the Commissioners regarding the rezoning. Commissioners decided to rezone the property, and to forward it to the Board for approval.

Commissioner Decision

Soucy moved, Milton seconded, 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, pending legal review.

Vote: Ayes: 6 Nays: 0 Motion carried

Commissioners decided to continue with item VIII.C *Proposed Land Uses* in the agenda.

IX. Public Comment

None

X. Commissioner's Comments

Milton

Asked if the Shaw's property was considered a brownfield. Throenle responded that the County Treasurer was the owner of the property and that there were plans underway to have the County Land Bank take control of the property. Soucy asked if the property was identified by the land bank as a potential demolition project. Throenle responded that that was part of the discussion, and no decision had been made yet.

Gencheff

Expressed that she was trying to understand why there were no commercial districts within the Township. She asked if it was acceptable to put a house in the commercial district. Throenle responded that the intent of the mixed use overlay district was to allow property owners to work and live on the same property.

Mullen-Campbell

Felt that it was a good work session, and that everyone kept working to get things

completed.

Rhein

Expressed a “thanks” (along with Milton and Mullen-Campbell) to staff for the materials in the agenda packet.

Meister

Stated that it was good meeting, and that he was satisfied with the results of the meeting discussions.

Soucy

No comments.

XI. Director’s Report

Planning / Zoning Administrator Throenle

Throenle thanked the Commissioners for their efforts during the meeting, especially regarding the amount of information that was reviewed.

Throenle gave an update on the FlashVote process and stated that the first survey would be released soon.

Throenle stated there was a Planning and Zoning training opportunity available that Commissioners could attend in Harris sponsored by the Michigan Township Association and that the details were available at the Commissioner’s table.

Throenle stated that FEMA has published a new method of applying for a Letter of Map Amendment (LOMA) for those that were concerned about their homes being in the flood zones on the proposed FEMA maps. He told the Commissioners that the details were provided to them at the Commissioner’s table, and that they would be available to the public.

Throenle indicated that there were 27 topics still to be covered for the proposed zoning ordinance.

He suggested that the items to be covered for the next meeting be a completion of the definitions, finish up the zoning districts and uses, and present a layout of the new zoning ordinance document. He suggested that the next discussion after that would be related to the accessory dwelling units.

Throenle reminded the Commissioners that the August meeting would be a joint meeting with the Board.

Commissioners agreed that the suggested agenda items be used for the July meeting.

Throenle again thanked the Commissioners for their extended participation.

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

Rhein moved, Mullen-Campbell seconded, to adjourn the meeting.

Vote: Ayes: 6 Nays: 0 Motion carried

Soucy adjourned the meeting at 9:30 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell