



CHARTER TOWNSHIP OF CHOCOLAY

PLANNING COMMISSION AGENDA

Monday, January 22, 2024 – 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. December 18, 2023

V. PUBLIC COMMENT

Limit of three minutes per person.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

A. Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)

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

VIII. NEW BUSINESS

A. Conditional Use Permit CU 24-01 – Proposed School 1510 M-28 East

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

B. Election of Planning Commission Officers

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

C. Planning Commission Bylaws and Procedures Review

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

D. 2023 Planning Commission Annual Report

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

E. Joint Meeting Discussion

1. Staff introduction
2. Commissioner discussion
3. 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 – 12.11.23
- B. Township newsletter – December 2023
- C. City of Marquette Planning Commission minutes 11.14.23
- D. City of Marquette Planning Commission minutes 12.19.23

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, December 18, 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

Members absent at roll call:

None

Staff present:

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

III. Additional Agenda Items / Approval of Agenda

Soucy requested that new business be moved ahead of unfinished business on the agenda to accommodate the site plan review.

Meister moved, Mullen-Campbell seconded, to approve the agenda as changed.

Vote: Ayes: 7 Nays: 0 Motion carried

IV. Minutes

A. November 20, 2023 regular meeting

Mullen-Campbell pointed out that the date at the end of the previous minutes should have been December 18 and not December 17.

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

Vote: Ayes: 7 Nays: 0 Motion carried

V. Public Comment

Frank Stabile, 121 Vista Hills Trail

Spoke on the proposed changes for the Agriculture / Forestry (AF) zoning district.

Frank Jeffries, 545 Mangum Road

Spoke on the proposed changes for the Agriculture / Forestry (AF) district and keeping development at a minimum surrounding his property.

VI. Presentations

None

VII. New Business

A. Preliminary Site Plan Review – Dollar General Store # 30520

Staff Introduction

Throenle pointed out that the applicant representative was attending via Zoom.

He stated that Dollar General purchased the property at the corner of US 41 South and Silver Creek Road. He added that the plan had gone through review by the Corridor Committee with no recommendations for any changes.

Commissioner Discussion

Rusty Doss, representing Dollar General, gave an overview of the project. He stated the store would be the largest footprint that Dollar General has, with the intent of having a larger selection of groceries.

He added that MDOT would be reviewing the application with a recommendation that would be coming on January 12, 2024.

He stated that 15 feet of the tree line along the property lines would be retained as part of the project.

He walked through the plan, showing snow storage, well locations, utility connections, and addressed a proposed lighting plan.

Doss stated that he would take the Commissioner comments and the MDOT comments and present those as a formal site plan review in the near future.

Meister expressed that his biggest concern was already being addressed with the MDOT review. Rhein stated that his concern was the snow storage area, and if it would be large enough.

Sloan asked if the entire site drained to the proposed drainage area. Doss stated that the runoff would be piped to the stormwater area in the southwest. Meister added that for the final review to indicate if any of that water would be flowing over to Silver Creek Road. Doss added that storm water storage would be part of the MDOT review.

Meister stated that a minor change would be in the landscaping area; he indicated that the cotoneaster and privet shrubs were semi-invasive and suggested that they be replaced with something more native to the area. Doss said he would change the plantings as requested.

Throenle added that the Corridor committee recommended that stop signs be placed on the bike path on both sides of the of the entrance; Doss stated he would add that to the plans.

Meister asked about the retaining wall. Doss stated that the wall would be primarily used for grading purposes but could be heightened if necessary.

Gencheff asked about a deceleration lane into the property, and access from Silver Creek Road. Meister commented that would be addressed from the MDOT review.

Sloan asked about the existing building. Doss stated that there was some interest from the neighboring property regarding moving the building, and that it was being handled through the real estate division of Dollar General.

Soucy asked about the market research and the support of two similar establishments in the Township and what would happen if the market expectations were not met. Doss stated that the real estate folks did the research with the intent of making the location successful.

Milton asked who the current owner of the property was; he was told that Portage Creek LLC was the current owner.

B. Proposed 2024 Planning Commission Meeting Dates

Commissioner Discussion

Mullen-Campbell asked if the January 15 meeting could be moved to January 22. Commissioners did not have an issue with the change.

Meister asked if November 18 could be changed. After discussion, the Commissioners changed the date to November 25.

Commissioner Decision

Rhein moved, Mullen-Campbell seconded, that the meeting dates proposed for 2024 Planning Commission meetings be accepted with a change from January 15 to January 22 and November 18 to November 25.

Vote: Ayes: 7 Nays: 0 Motion carried

VIII. Unfinished Business

A. Proposed Zoning Ordinance Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Staff introduction

Throenle stated that the language being presented was the same that was presented over a series of previous meetings, with slight changes to the intent language. He added that the direction was to have the language incorporated into the current zoning ordinance. Throenle stated that the zoning ordinance would be changed by:

- 1) Removing section 4.7 Agriculture / Forestry Zoning District (AF)
- 2) Renumbering section 4.8 Municipal Properties (MP) to section 4.7.
- 3) Renumbering section 4.9 District Planned Unit Development (see Article X) to section 4.8.
- 4) Renumbering section 4.10 Special Uses in Designated Zoning Districts to section 4.12.

- 5) Inserting the proposed sections 4.9 AG 1 – Agriculture 1, 4.10 AG 2 – Agriculture 2, and 4.11 AG 3 – Agriculture 3.

Throenle suggested that Commissioners review the document with the intent of either presenting it for a public hearing or bringing it back for another review prior to a public hearing. He added that the document presented showed the markup as to how the language will look in the zoning ordinance.

Commissioner discussion

Soucy asked if the language included the proposed size of the zoning districts; Throenle responded that it did.

Gencheff asked about the zoning maps; Throenle stated that the map discussion was a separate agenda item.

Sloan asked about the setbacks; Throenle stated that the language was what was presented at the Townhall meetings.

Meister stated that the acreage size was the remaining discussion item for him. He added that he would prefer that the discussion be completed at this meeting.

Commissioners discussed the acreage sizes and retained the acreage sizes as written. Throenle added that residents in the new districts would have the right to petition to change their zoning for their property assuming that their property bordered a district that they wanted to be changed to. He added that no one will be required to split and go to a smaller acreage size.

Sloan suggested that the language be changed for AG 3 to remove “large scale” from the language; Meister concurred.

Commissioner decision

After Commissioner review, Meister moved, Rhein seconded, that the Township zoning ordinance be amended as amendment number 34-23-02 to accomplish the following:

- 1) *Remove section 4.7 Agriculture / Forestry Zoning District (AF).*
- 2) *Renumber section 4.8 Municipal Properties (MP) to section 4.7.*
- 3) *Renumber section 4.9 District Planned Unit Development (see Article X) to section 4.8.*
- 4) *Renumber section 4.10 Special Uses in Designated Zoning Districts to section 4.12.*
- 5) *Insert the proposed sections 4.9 AG 1 – Agriculture 1, 4.10 AG 2 – Agriculture 2, and 4.11 AG 3 – Agriculture 3 and related language as revised*

with the following findings of fact:

- 1) *The proposed ordinance changes are in congruence with the Master Plan statements for future land use*
- 2) *62 percent of the parcels in the Agriculture / Forestry district do not conform to our ordinance regulations on minimum parcel size*

- 3) *The Planning Commission sent post cards to all Agriculture / Forestry parcel owners, held three public workshops, and received substantial input from 84 residents*
- 4) *Page 89 in the master plan refers to rural residential zoning, page 48 is the problem statement, pages 63 to 65 in the master plan appendix are the future land use maps, page 93 in the appendix is the section on future zoning, and page 111 is the strategy*

and that the proposed language be presented for a public hearing at a future Planning Commission meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Rhein moved, Mullen-Campbell seconded, that the public hearing be held at the February 12 meeting at 7 PM.

Vote: Ayes: 7 Nays: 0 Motion carried

B. Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Staff introduction

Throenle stated that the maps in the packet covered the discussions that have taken place from the beginning of the map discussions.

He explained that the proposed zoning maps had three sections: 1) proposed AG zoning districts, 2) proposed AG zoning districts with the surrounding current zoning; and 3) wetlands laid over the proposed AG zoning districts.

Gencheff asked about development in the wetland districts and the purpose of changing the zoning. Throenle stated the primary purpose was to give residents the choice of uses on their parcels while reviewing the wetland requirements.

Throenle showed a hand drawn map used at the previous meeting that was used to determine the maps presented to the Commissioners.

Commissioner discussion

Gencheff expressed several concerns regarding the drawing of the proposed maps. Rhein and Meister stated that the maps were drawn based on recommendations from the previous meeting to staff to put on new maps.

Meister made a statement regarding spot zoning and that the districts should be set up as contiguous runs representing the same district. He recommended that the Commissioners look at the quadrants and discuss the changes. He sent a drawing to Throenle of what he was proposing so that the maps could be updated and walked through the changes with the Commissioners.

Commissioners reviewed the changes presented and discussed the differences between the AG 2 and AG 3 possibilities.

Commissioner decision

Meister moved, Rhein seconded, that staff proceed with the changes discussed and bring the map back for discussion at the next meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Throenle stated if a decision was made at the next meeting, time would be sufficient for notifications to be mailed to all parcel owners in the Agriculture / Zoning district regarding the upcoming public hearing for both the language and the map.

IX. Public Comment

Kevin Taylor, pastor of Silver Creek Church

Spoke on the upcoming Dollar Store project and the removal of the building that is on the property.

Jill Bradford, 555 Little Lake Road

Spoke on the discussion on the agriculture zoning process, and thanked the Commissioners for both the discussion and the maps that were online. She also wished the Commissioners a safe and healthy "Merry Christmas."

X. Commissioner's Comments

Rhein

Wished everyone a "Merry Christmas". Stated that it was a great discussion; expressed things are heading the right direction and glad to see that things are getting done.

Mullen-Campbell

Stated that it was a good meeting of discussion, and that things were moving along at a good pace. She added that 2024 would be an interesting year and added a "Merry Christmas" and "Happy New Year" to everyone.

Milton

"Merry Christmas" to everyone.

Sloan

Not excited about two dollar stores in town, especially what it says economically about the community. Wished a "Merry Christmas" and "Happy Holidays" to everyone.

Gencheff

Expressed that she also is not excited about the dollar store. Wished "Merry Christmas" to everyone.

Soucy

Wished a "Merry Christmas", "Happy New Year" and "stay safe" to everyone.

Meister

Expressed that he can see that the calendar is beginning to line up with decisions.

Wished a “Merry Christmas” to everyone.

XI. Director’s Report

Planning / Zoning Administrator Throenle

Stated the next meeting will be January 22. Wished a “Merry Christmas” and “Happy New Year” to everyone, and he thanked the Commissioners for their effort.

XII. Informational Items and Correspondence

A. Township Board Minutes – 11.13.23

B. Township newsletter – November 2023

XIII. Adjournment

Rhein moved, Soucy seconded, to adjourn the meeting.

Vote: Ayes: 7 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:22 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: VII.A Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Suggested Motion

After Commissioner review, _____ moved, and _____ seconded that the Township zoning map be amended as part of amendment number 34-23-02 to accomplish the following:

1. Remove the Agriculture / Forestry Zoning District (AF).
2. Insert the proposed AG 1 – Agriculture 1, AG 2 – Agriculture 2, and AG 3 – Agriculture 3 zoning districts as [presented / revised] on the provided maps,

with the following findings of fact:

1. The proposed zoning map changes are in congruence with the Master Plan statements for future land use
2. 62 percent of the parcels in the Agriculture / Forestry district do not conform to our ordinance regulations on minimum parcel size
3. The Planning Commission sent post cards to all Agriculture / Forestry parcel owners, held three public workshops, and received substantial input from 84 residents
4. Page 89 in the master plan refers to rural residential zoning, page 48 is the problem statement, pages 63 to 65 in the master plan appendix are the future land use maps, page 93 in the appendix is the section on future zoning, and page 111 is the strategy

and that the proposed zoning map be presented for a public hearing at a future Planning Commission meeting.



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: **Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)**

Meeting: Planning Commission Meeting

Date: January 22, 2023

Issue Summary

Review of proposed zoning maps for the Agriculture / Forestry (AF) zoning district.

Background

Commissioners and staff have completed a considerable amount of work since 2018 related to the question of non-conforming parcels in the Agriculture / Forestry (AF) zoning district. Commissioners decided to present the draft materials to the public for public input before completing the process.

Three townhall sessions were set for public attendance in September and October and were held as scheduled. Each session was opened as a formal meeting, and minutes were generated for each session.

At the November meeting, Commissioners reviewed the proposed AG 1, AG 2 and AG 3 zoning districts, and made recommendations regarding the locations for those districts. These recommendations were based on discussions with the public during the work sessions and the self-selection maps.

The Commissioners requested staff to generate maps with the proposed AG 1, AG 2, and AG 3 zoning districts for the next Planning Commission meeting, and to provide maps that showed the surrounding zoning to the proposed districts.

The Commissioners reviewed the maps again at the December, 2023 meeting, and requested staff to make additional updates to the maps.

Staff Research

Staff prepared maps with the proposed district updates for Commissioner review. Staff prepared maps with three distinct layouts and prepared five separate sets with the three layouts.

The layouts are:

1) Proposed AG 1, AG 2 and AG 3 zoning districts

This map shows the district locations proposed by the Commissioners during the November meeting.

2) Proposed AG 1, AG 2 and AG 3 zoning districts with the surrounding zoning districts

This map shows the district locations proposed by the Commissioners with the surrounding zoning districts. The purpose of this map is to show the location of the proposed zoning districts in relation to the location of the surrounding zoning districts.

3) Proposed AG 1, AG 2 and AG 3 zoning districts with wetlands overlaying the proposed districts

This map shows the district locations proposed by the Commissioners overlaid with the wetland designations throughout the Township. The purpose of this map is to show where potential development can and cannot occur throughout the Township; the goal is to ease the fear of widespread sprawl throughout the Township.



Five sets of maps were produced (see attached). There is a primary set that shows the entire Township, and four quadrants were produced to give a closer view of each layout. The sets are:

- 1) Township – shows the entire Township
- 2) Northwest – includes area in the US 41 South / M-28 East corridor and the village of Harvey
- 3) Southwest – includes areas west of US 41 South
- 4) Northeast – includes areas along M-28, Shot Point and M-28
- 5) Southeast – includes areas with the State lands

Staff included additional maps for review purposes, including the current approved zoning map, the current Agriculture / Forestry zoning district, the acreage self-selection map from the Townhall sessions, the zoning map showing zoning districts prior to 2008, the future growth sectors map, and the future land use map (see attached). Staff also included the Township proposed zoning map from the December meeting.

Staff Recommendations for Commissioner Discussion

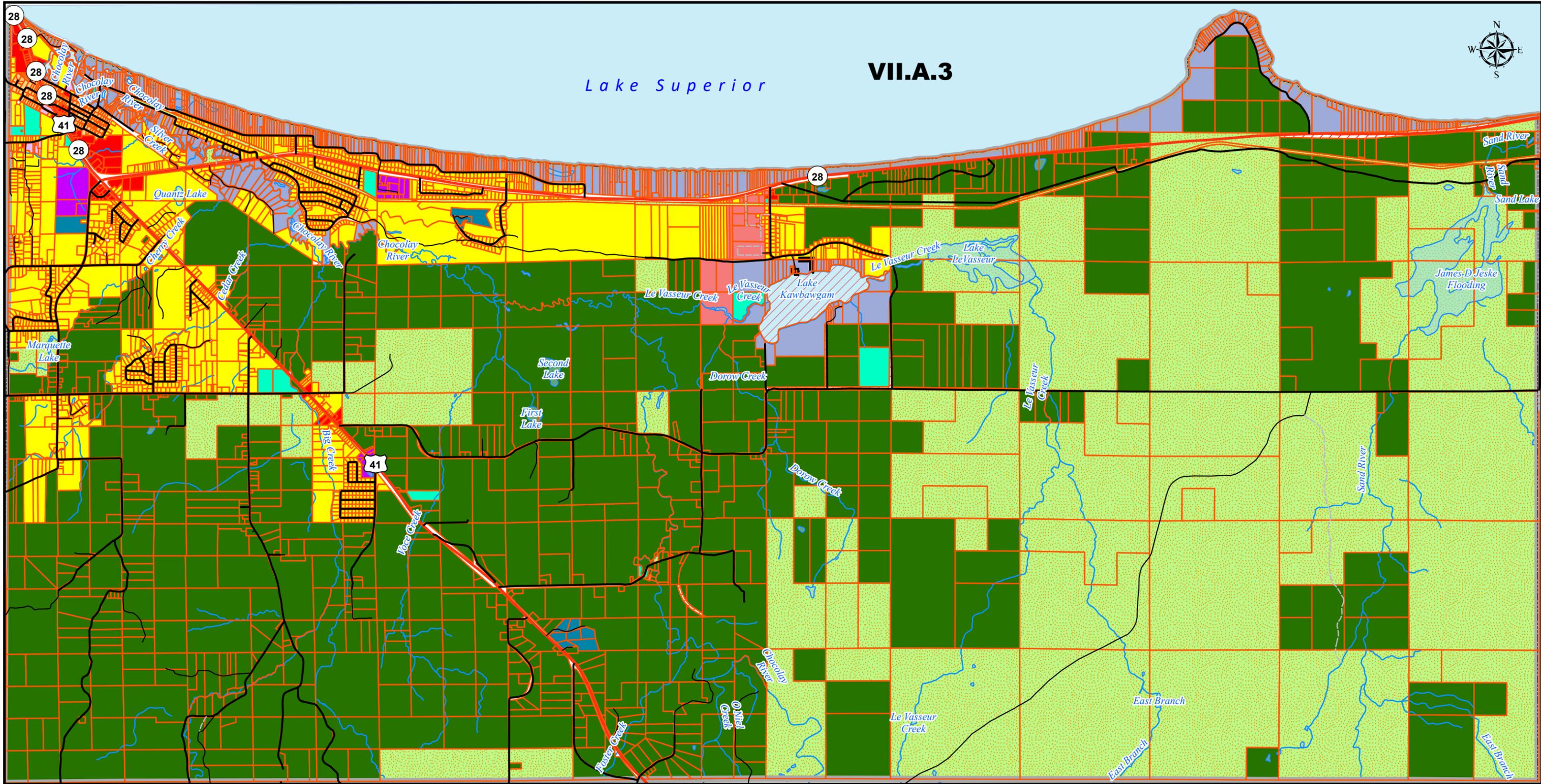
Staff recommends the Commissioners:

- 1) Review the maps to determine if the updated locations of the proposed zoning districts are the desired Commissioner locations.

Author: Dale Throenle
Date: January 10, 2024

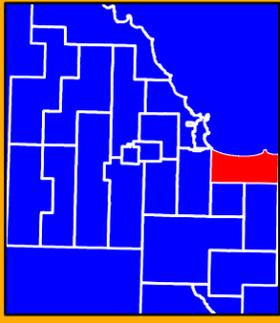
Attachments

1. *Zoning Districts - Township official*
2. *Zoning Districts - Township official*
3. *AF Acreage Self-Select – Township*
4. *AG proposed zoning – Township - December 18, 2023*
5. *AG proposed zoning – Township*
6. *AG proposed zoning - Township with surrounding zoning*
7. *AG proposed zoning - Township with wetlands*
8. *AG proposed zoning – Northwest*
9. *AG proposed zoning - Northwest with surrounding zoning*
10. *AG proposed zoning - Northwest with wetlands*
11. *AG proposed zoning – Southwest*
12. *AG proposed zoning - Southwest with surrounding zoning*
13. *AG proposed zoning - Southwest with wetlands*
14. *AG proposed zoning – Northeast*
15. *AG proposed zoning - Northeast with surrounding zoning*
16. *AG proposed zoning - Northeast with wetlands*
17. *AG proposed zoning – Southeast*
18. *AG proposed zoning - Southeast with surrounding zoning*
19. *AG proposed zoning - Southeast with wetlands*
20. *Zoning Map prior to 2008 – Township*
21. *Future Growth Sectors – Township*
22. *Future Land Use – Township*




Charter Township of Chocolay
Zoning Districts
 Township
 November 9, 2022

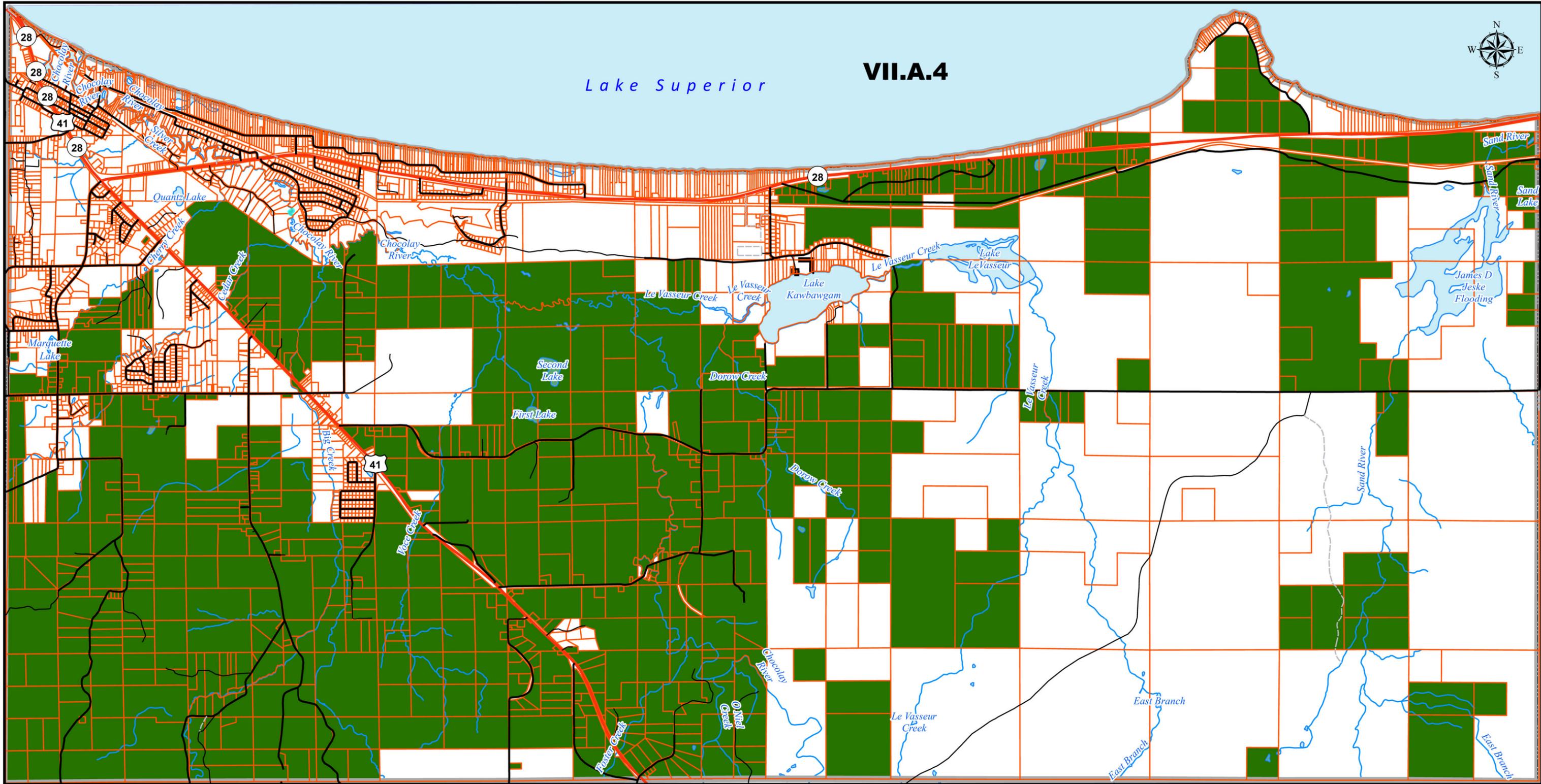
Lakes, Rivers and Streams	Roads	Zoning
Lake	Highway	AF - Agriculture / Forestry
Lake Superior	Primary road	C - Commercial
River or stream	Secondary road	I - Industrial
	Unpaved / not classified	KBIC - Trust properties
		MFR - Multi-Family Residential
		MP - Municipal Properties
		PUD - Planned Unit Development
		R1 - Single Family Residential
		R2 - High Density Residential
		State Lands
		WFR - Waterfront Residential
		No zoning provided



Township Supervisor:

Township Clerk:

0 0.75 1.5 Miles



VII.A.4

Lake Superior




Charter Township of Chocolay
Zoning Districts
 Township
 November 9, 2022

Lakes, Rivers and Streams

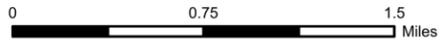
-  Lake
-  Lake Superior
-  River or stream

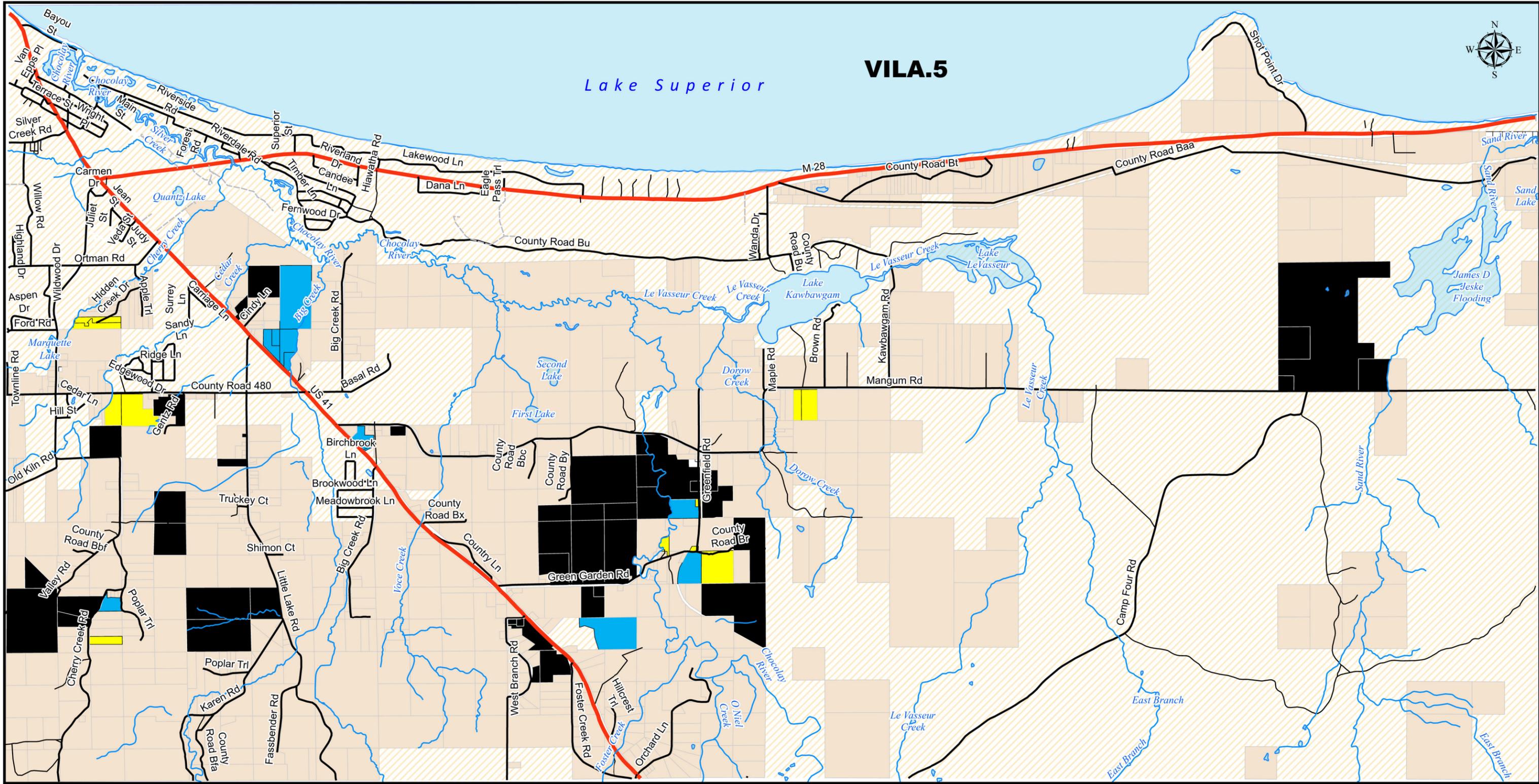
Roads

-  Highway
-  Primary road
-  Secondary road
-  Unpaved / not classified

Zoning districts - by district

-  AF







 Charter Township of Chocolay

Townhall

Parcel Selection

 Township

 9.26.2023, 10.10.2023,

 and 10.17.2023

 Not intended for legal use

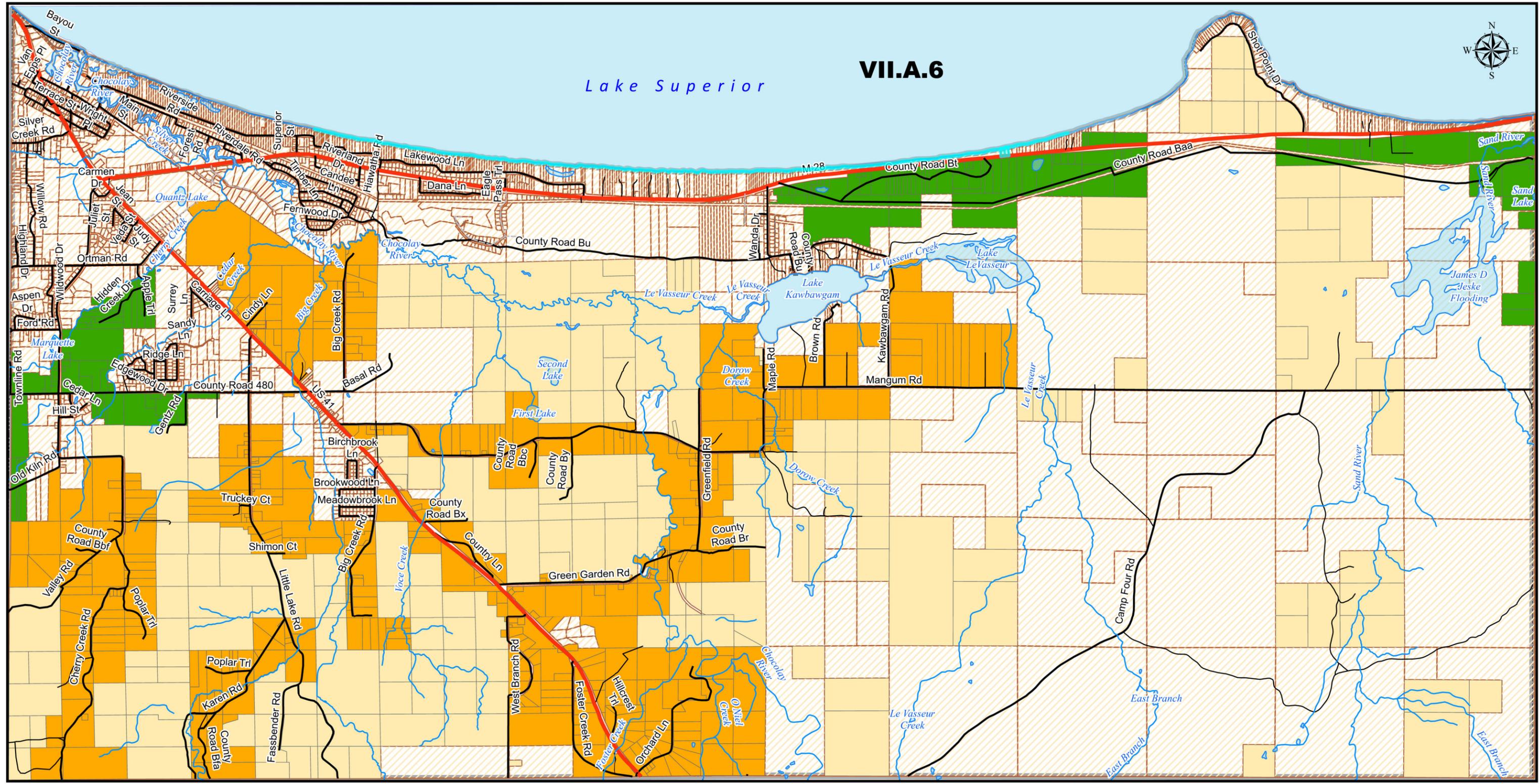
Lakes, Rivers and Streams	Roads
Lake	Highway
Lake Superior	Primary road
River or stream	Secondary road
	Unpaved / not classified

Parcel Selection
no selection
change to 3 acres or less minimum
change to 3 acres to 15 acres minimum
change to 15 acres or more minimum
remain at 20 acres minimum
Not AF zoning



VII.A.6

Lake Superior




Charter Township of Chocolay

Proposed AG Zoning Districts

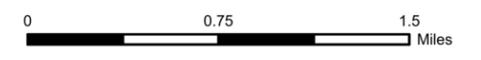
Township

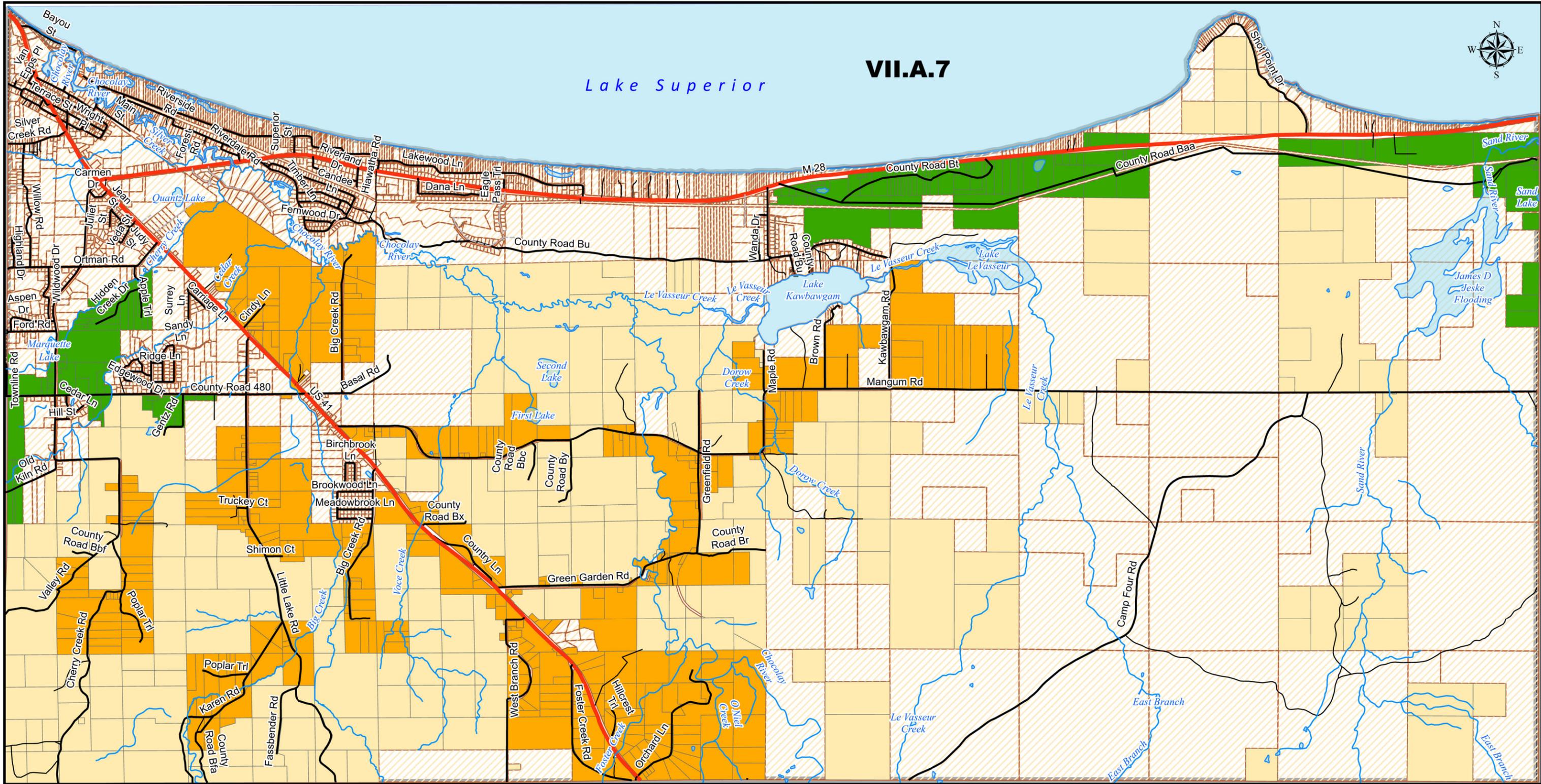
December 18, 2023

Not intended for legal use

- | Lakes, Rivers and Streams | Roads |
|---------------------------|--------------------------|
| Lake | Highway |
| Lake Superior | Primary road |
| River or stream | Secondary road |
| | Unpaved / not classified |

- Proposed AG Zoning Districts**
- AG 1 - less than 3 acres
 - AG 2 - 3 to 15 acres
 - AG 3 - 15 acres or more
 - Not AG Zoning





VII.A.7

Lake Superior



CHARTER TOWNSHIP OF CHOCOLAY
 Charter Township of Chocolay
Proposed AG Zoning Districts
 Township
 January 22, 2024
 Not intended for legal use

Lakes, Rivers and Streams

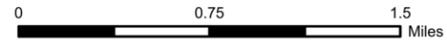
- Lake
- Lake Superior
- River or stream

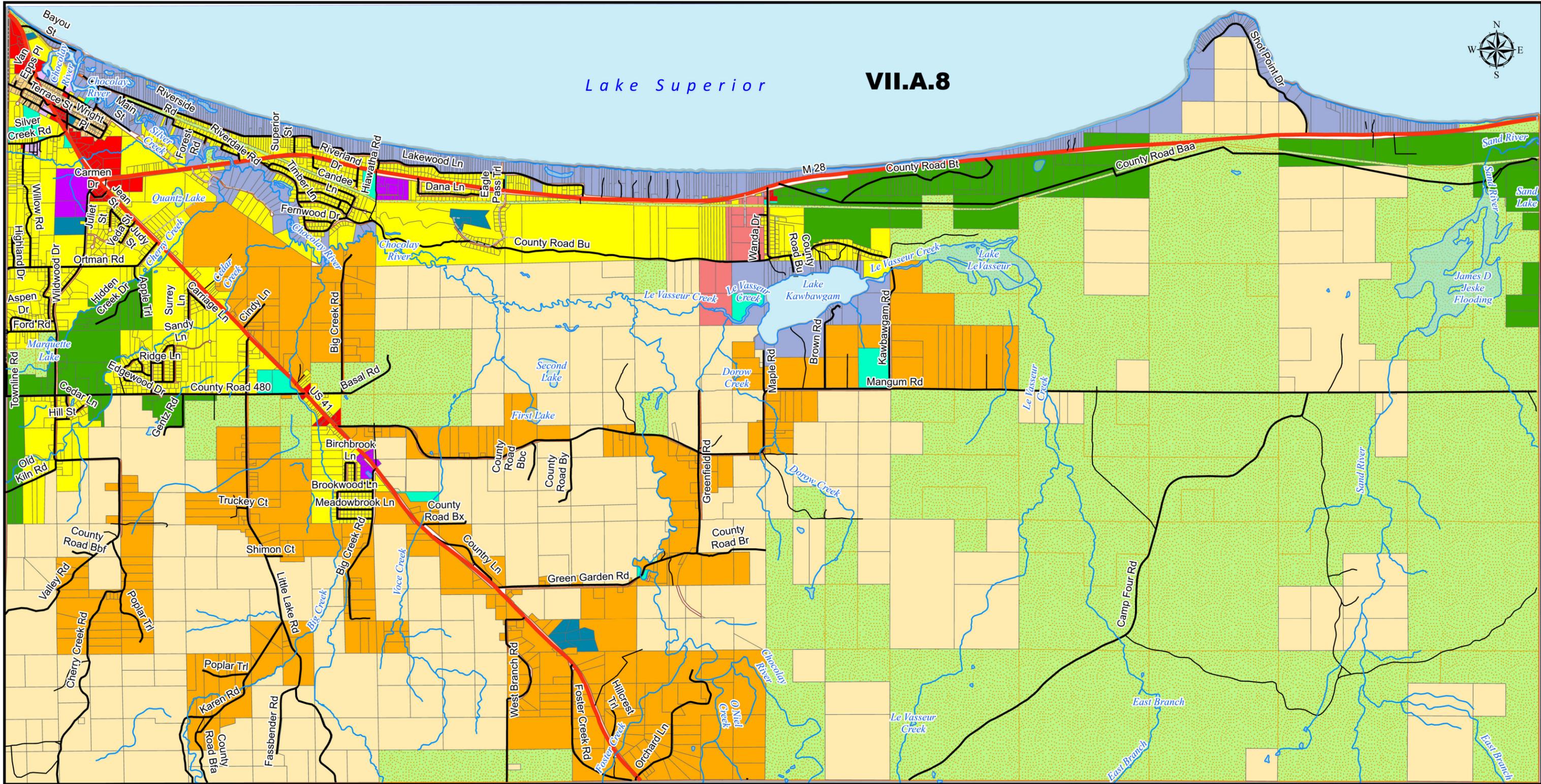
Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning





Lake Superior VII.A.8



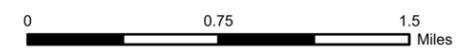
Charter Township of Chocolay

Proposed AG Zoning Districts Township

January 22, 2024

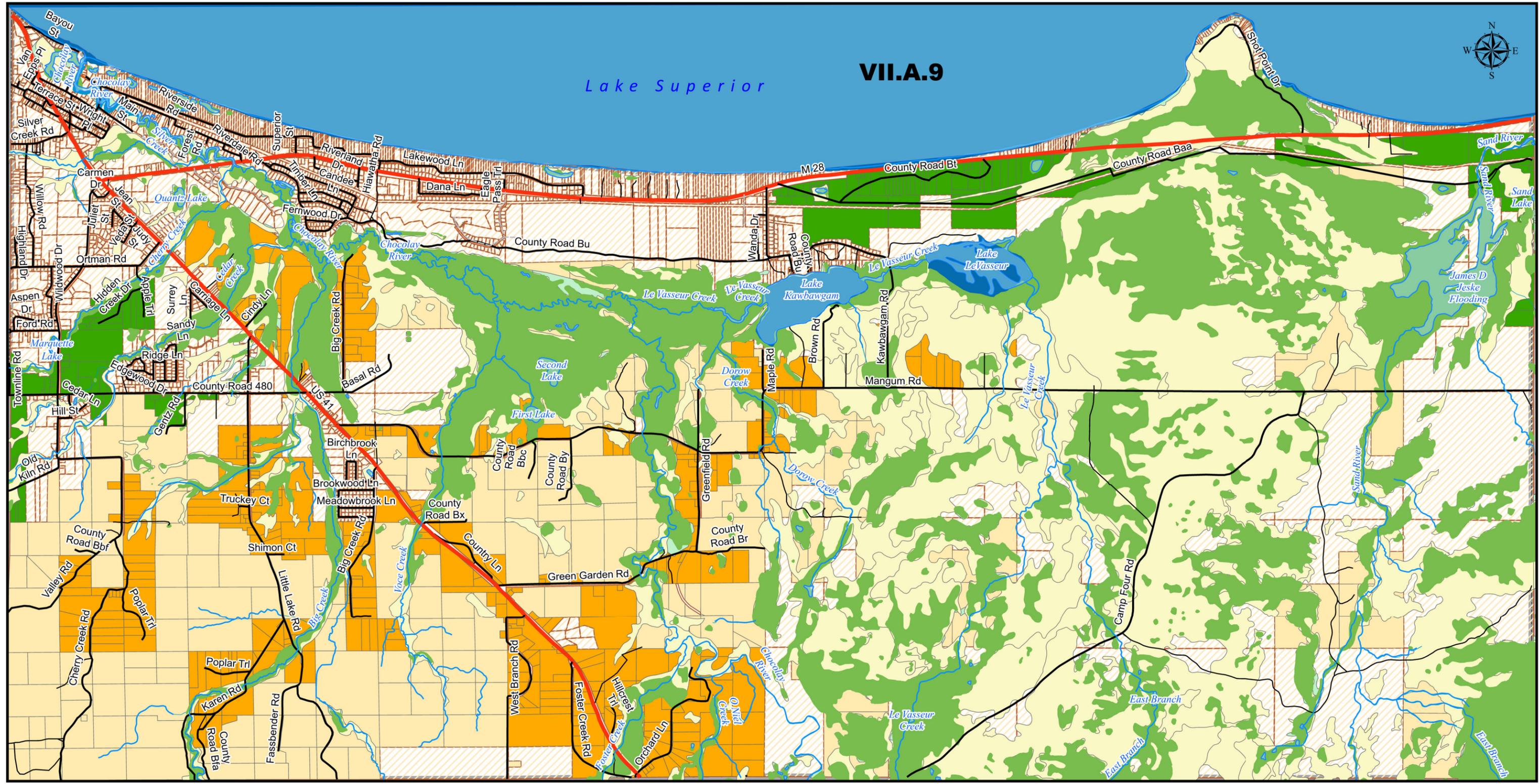
Not intended for legal use

Lakes, Rivers and Streams	Roads	Proposed AG Zoning Districts	Surrounding Zoning
Lake	Highway	AG 1 - less than 3 acres	C
Lake Superior	Primary road	AG 2 - 3 to 15 acres	I
River or stream	Secondary road	AG 3 - 15 acres or more	KBIC
	Unpaved / not classified		MFR
			MP
			PUD
			R1
			R2
			State Lands
			WFR



VII.A.9

Lake Superior




Charter Township of Chocolay

Proposed AG Zoning Districts

Township

January 22, 2024

Not intended for legal use

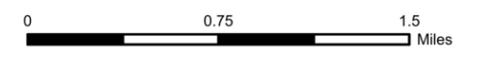
- Lakes, Rivers and Streams**
-  Lake
 -  Lake Superior
 -  River or stream

- Roads**
-  Highway
 -  Primary road
 -  Secondary road
 -  Unpaved / not classified

- Proposed AG Zoning Districts**
-  AG 1 - less than 3 acres
 -  AG 2 - 3 to 15 acres
 -  AG 3 - 15 acres or more
 -  Not AG Zoning

- Hydic Soils and Wetlands**
- USA Wetlands**
-  Estuary
 -  Lake, Reservoir
 -  Marine
 -  Marsh, Swamp, Bog, Prairie
 -  River

- EGLE Hydic Soils**
-  Hydic Soils
- Michigan Resource Inventory System (MIRIS)**
-  MIRIS Wetland Classes





Charter Township of Chocolay

Proposed AG Zoning Districts Northwest

Northwest

January 22, 2024

VII.A.12

Lake Superior



Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Hydic Soils and Wetlands

- USA Wetlands
- Lake, Reservoir
 - Marsh, Swamp, Bog, Prairie
 - River

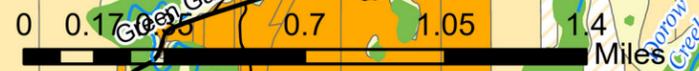
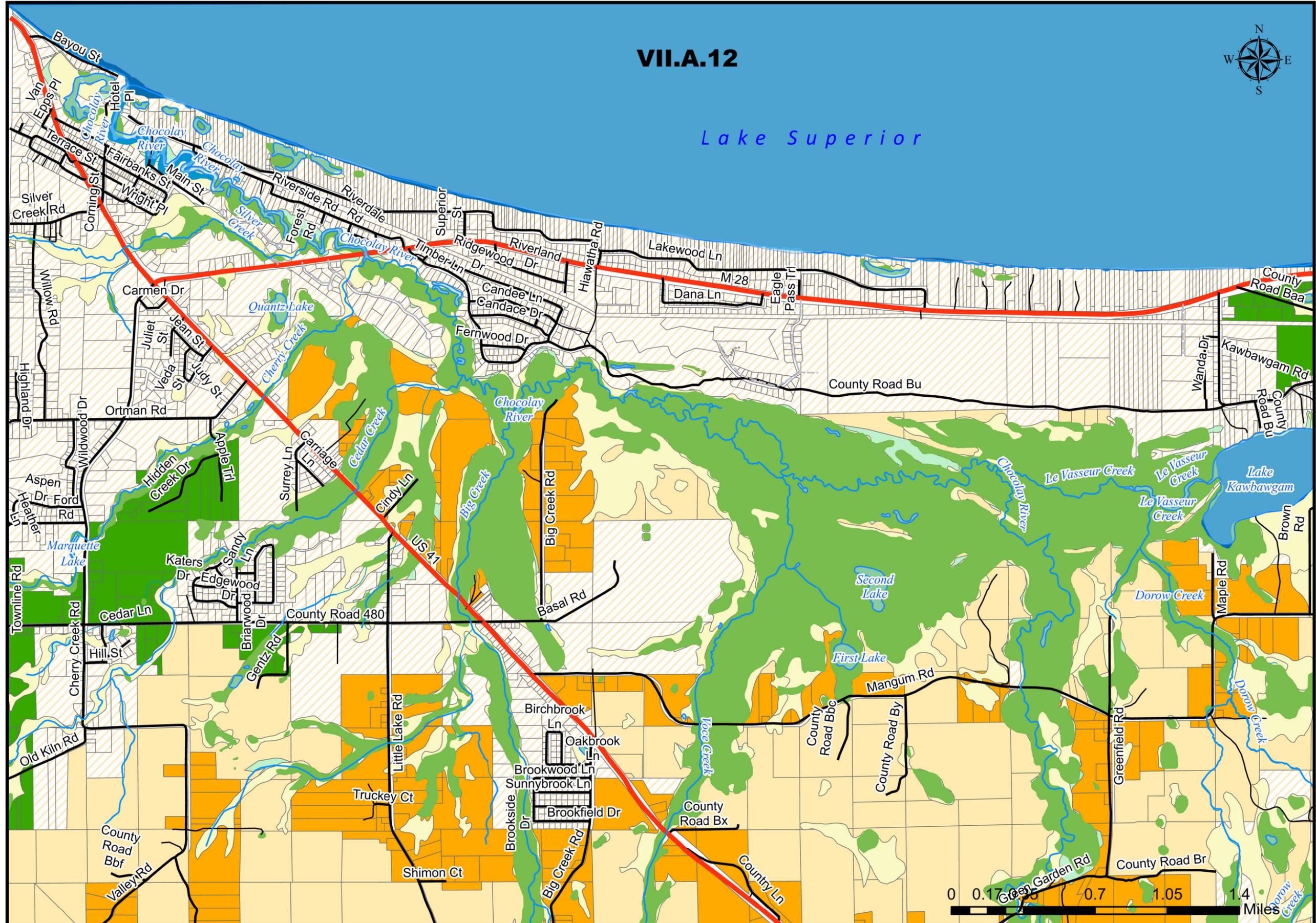
EGLE Hydic Soils

- Hydic Soils

Michigan Resource Inventory System (MIRIS)

- MIRIS Wetland Classes

Not intended for legal use





Charter Township of Chocolay

Proposed AG Zoning Districts Southwest

Southwest

January 22, 2024

Lakes, Rivers and Streams

- Lake
- River or stream

Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

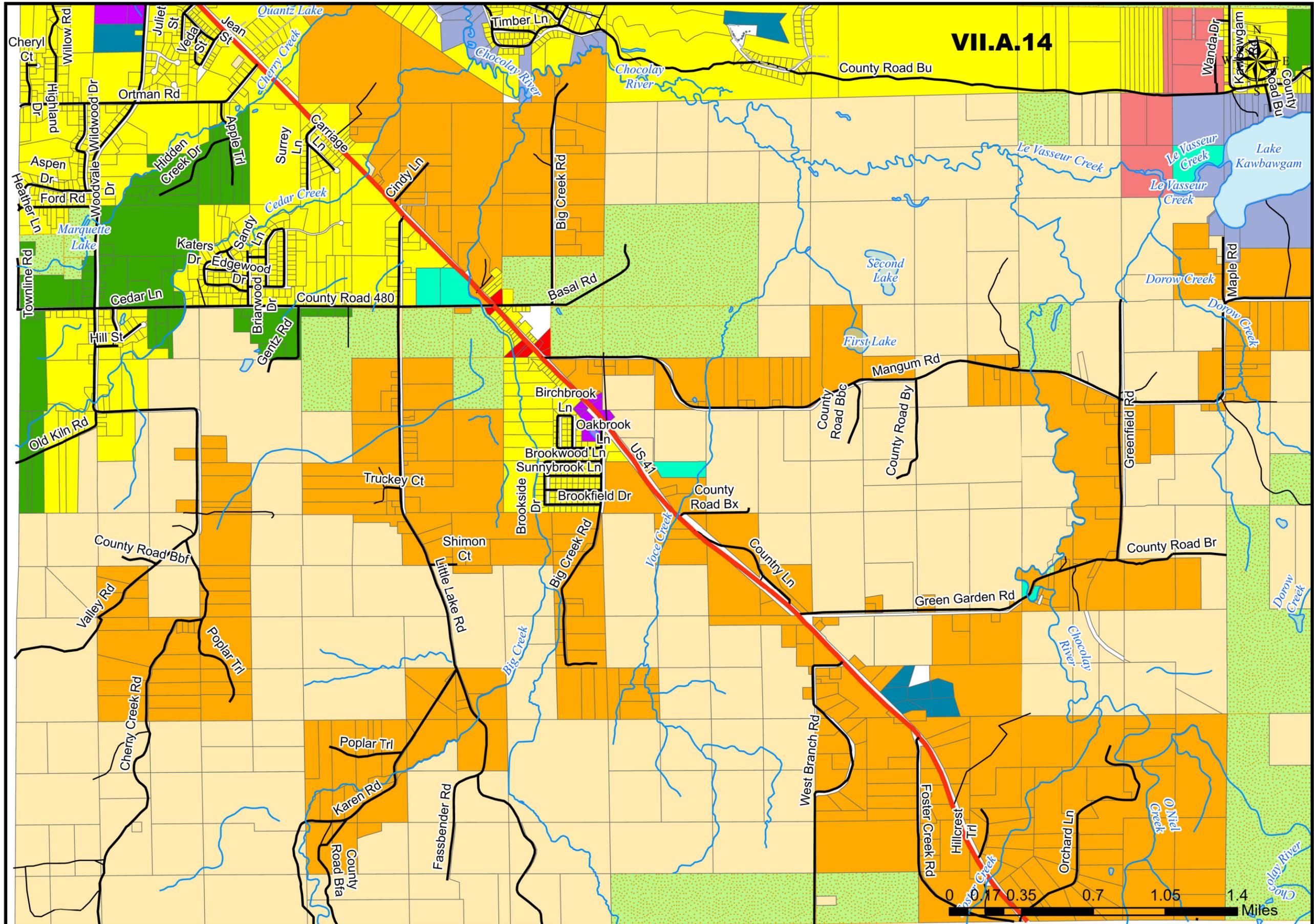
Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more

Surrounding Zoning

- C
- I
- KBIC
- MP
- PUD
- R1
- State Lands
- WFR

Not intended for legal use



VII.A.14





Charter Township of Chocolay

Proposed AG Zoning Districts Southwest

January 22, 2024

Lakes, Rivers and Streams

- Lake
- River or stream

Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

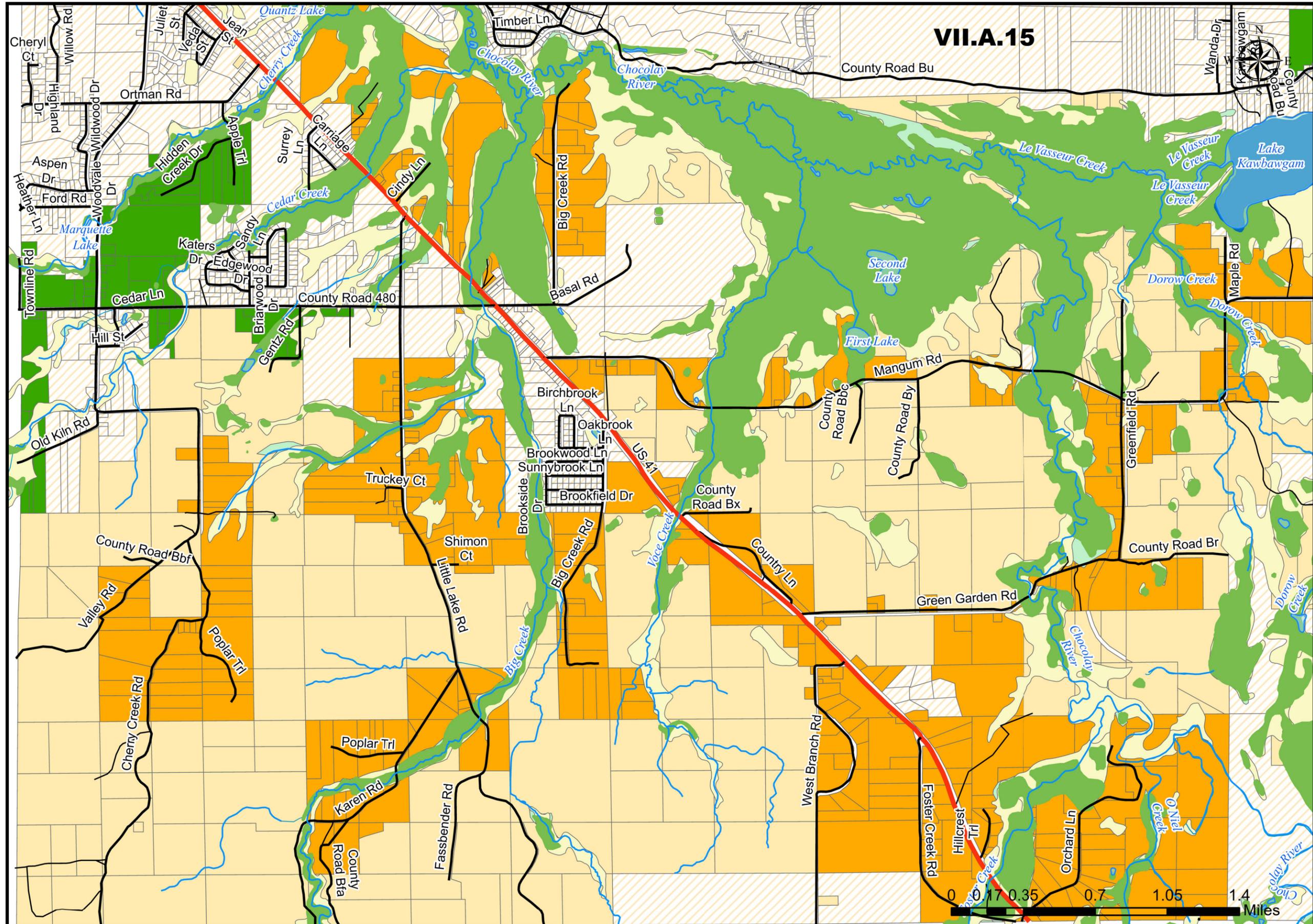
Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Hydric Soils and Wetlands

- USA Wetlands
- Lake, Reservoir
 - Marsh, Swamp, Bog, Prairie
 - River
- EGLE Hydric Soils
- Hydric Soils
- Michigan Resource Inventory System (MIRIS)
- MIRIS Wetland Classes

Not intended for legal use





Charter Township of Chocolay

Proposed AG Zoning Districts

Northeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

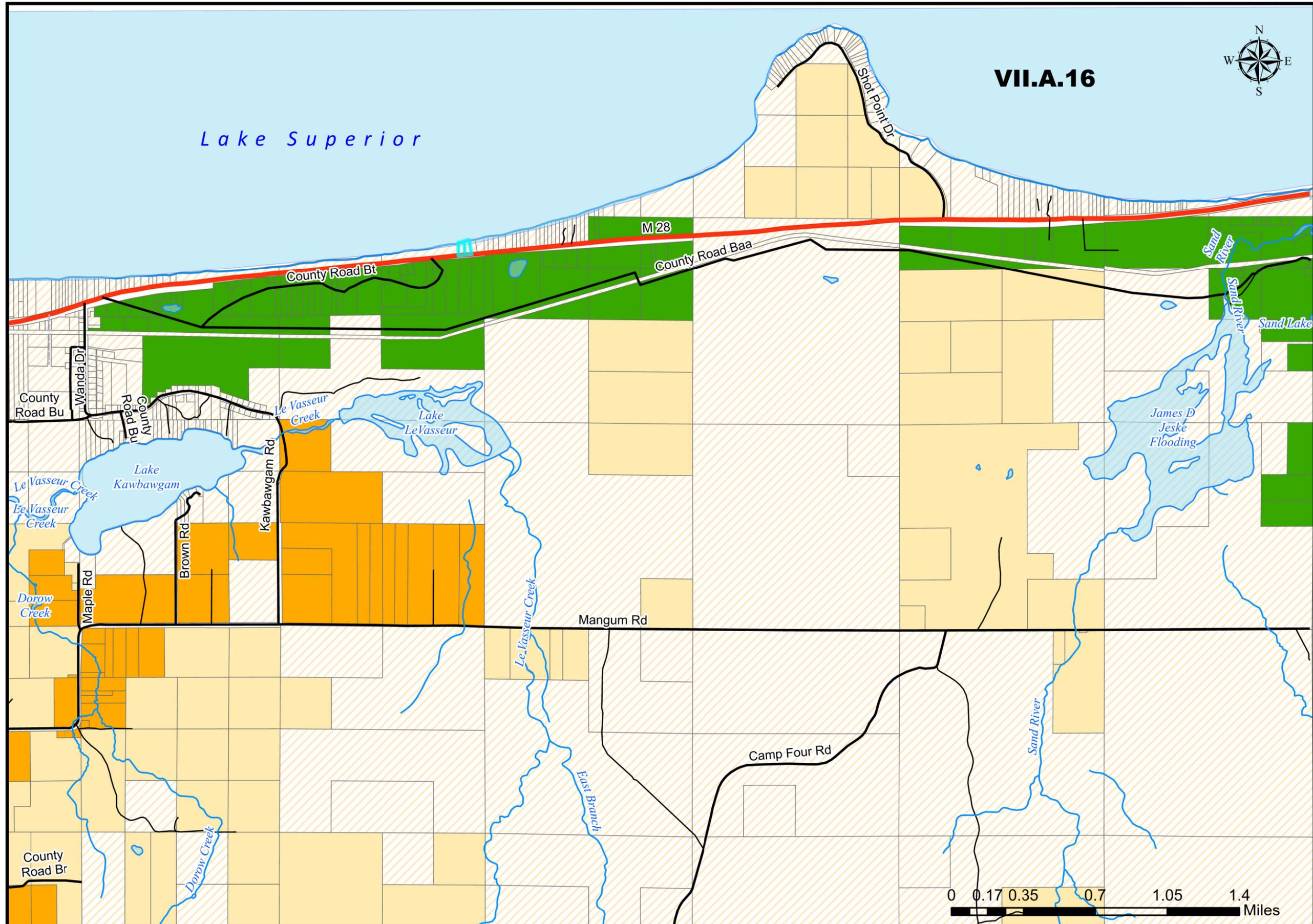
Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Not intended for legal use



VII.A.16



Charter Township of Chocolay

Proposed AG Zoning Districts

Northeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

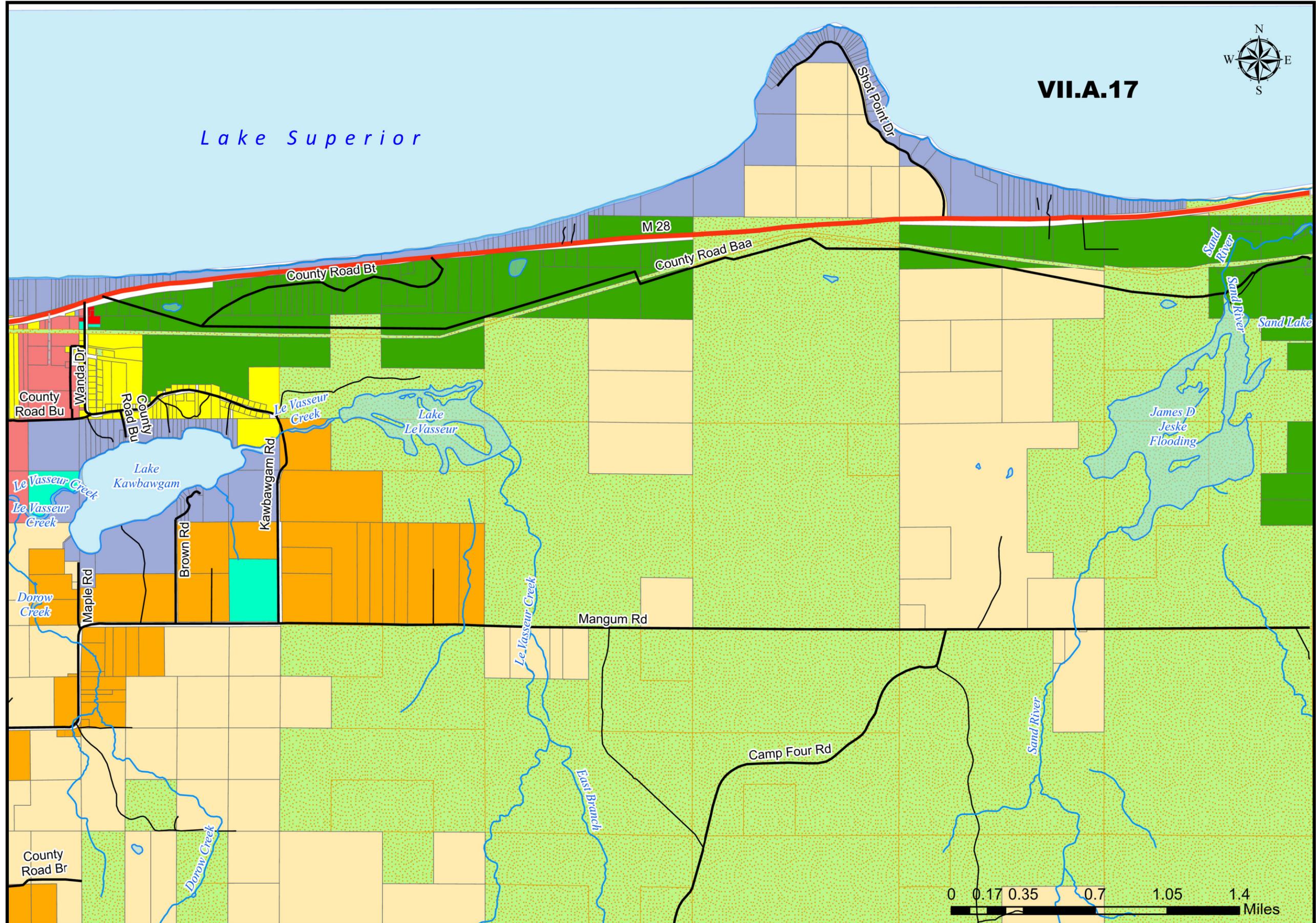
Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more

Surrounding Zoning

- C
- KBIC
- MP
- R1
- State Lands
- WFR

Not intended for legal use



VII.A.17



Charter Township of Chocolay

Proposed AG Zoning Districts

Northeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Hydric Soils and Wetlands

- USA Wetlands
- Lake, Reservoir
 - Marsh, Swamp, Bog, Prairie
 - River

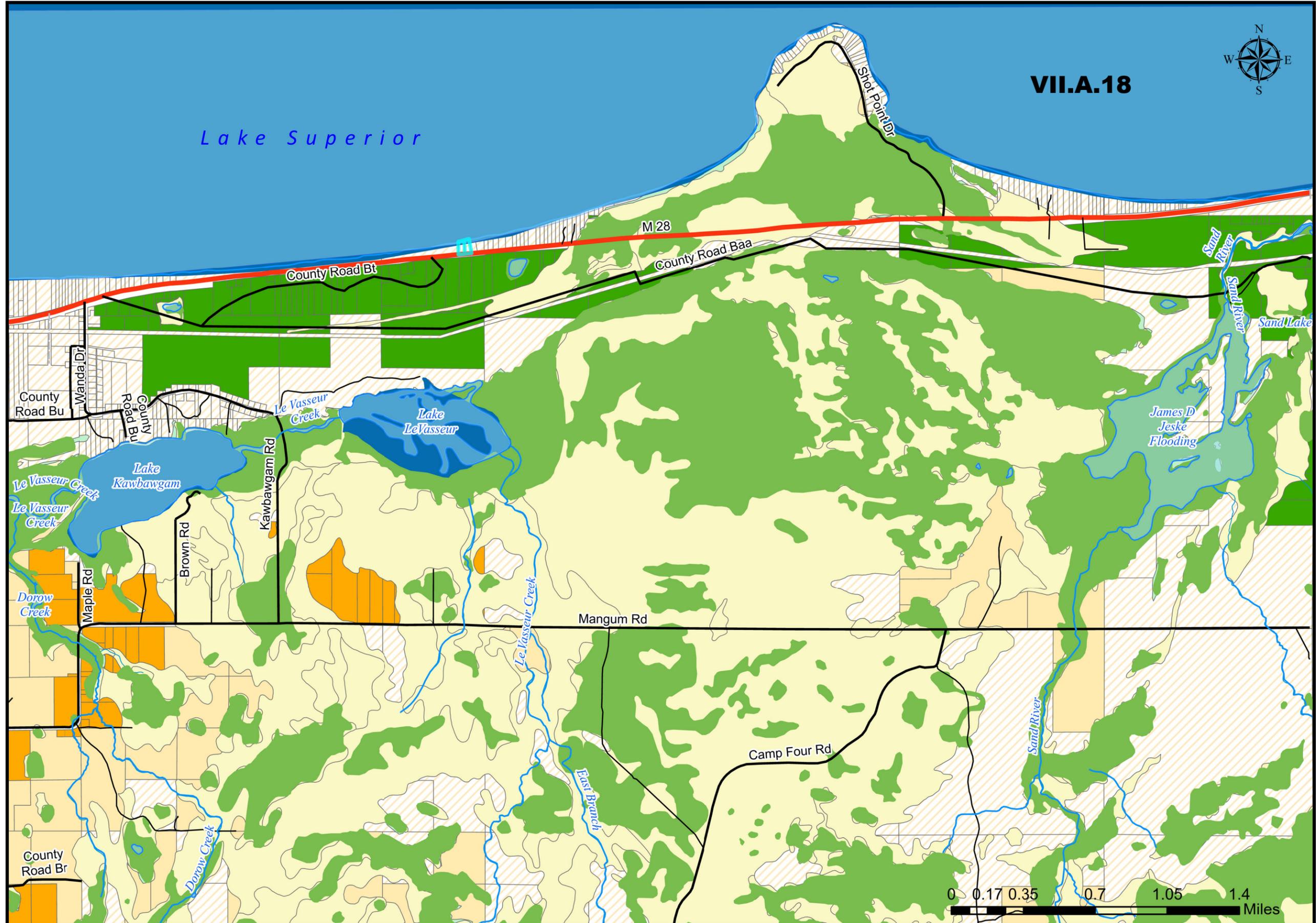
EGLE Hydric Soils

- Hydric Soils

Michigan Resource Inventory System (MIRIS)

- MIRIS Wetland Classes

Not intended for legal use





Charter Township of Chocolay

Proposed AG Zoning Districts Southeast

Southeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- River or stream

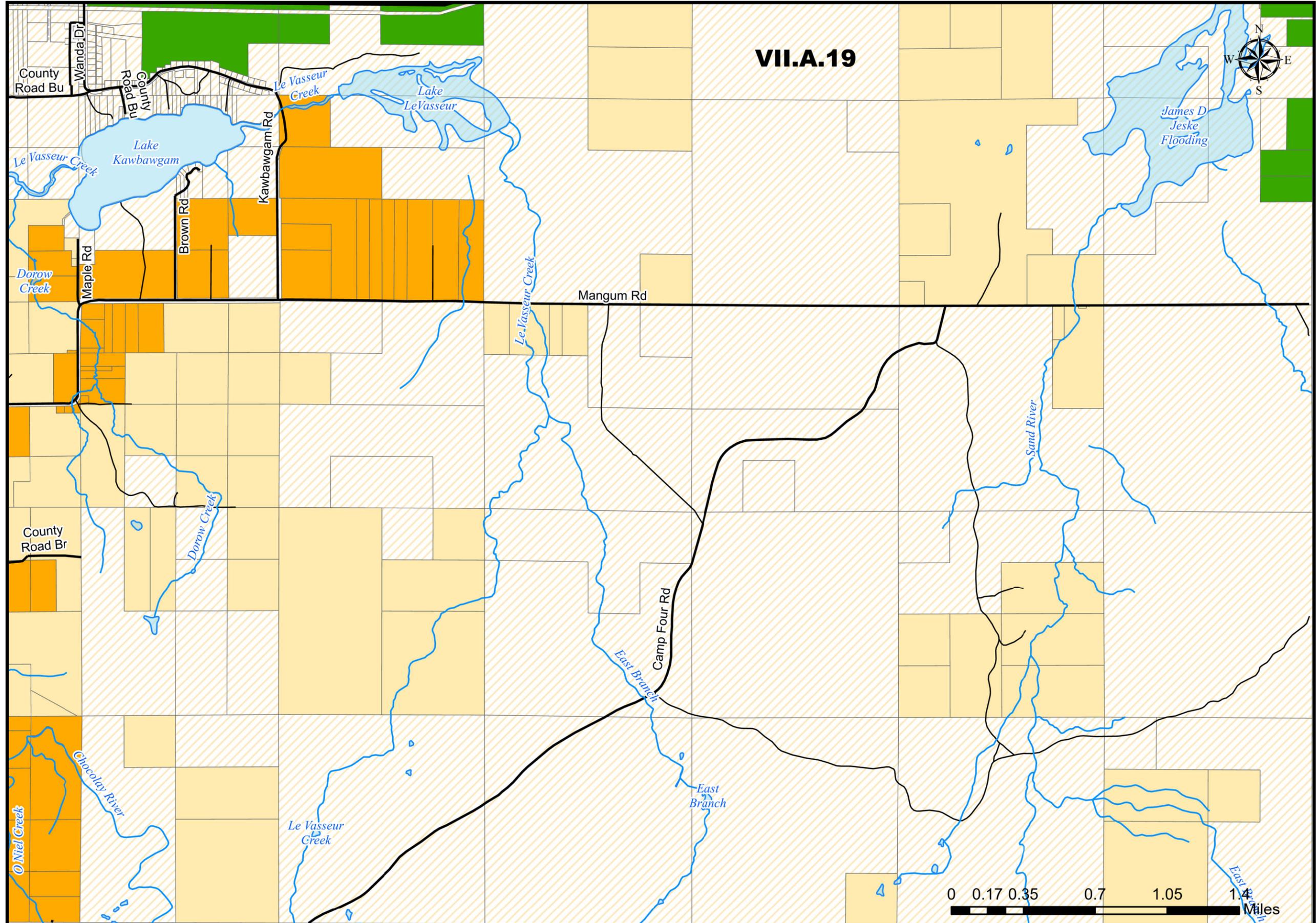
Roads

- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Not intended for legal use





Charter Township of Chocolay

Proposed AG Zoning Districts Southeast

Southeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- River or stream

Roads

- Primary road
- Secondary road
- Unpaved / not classified

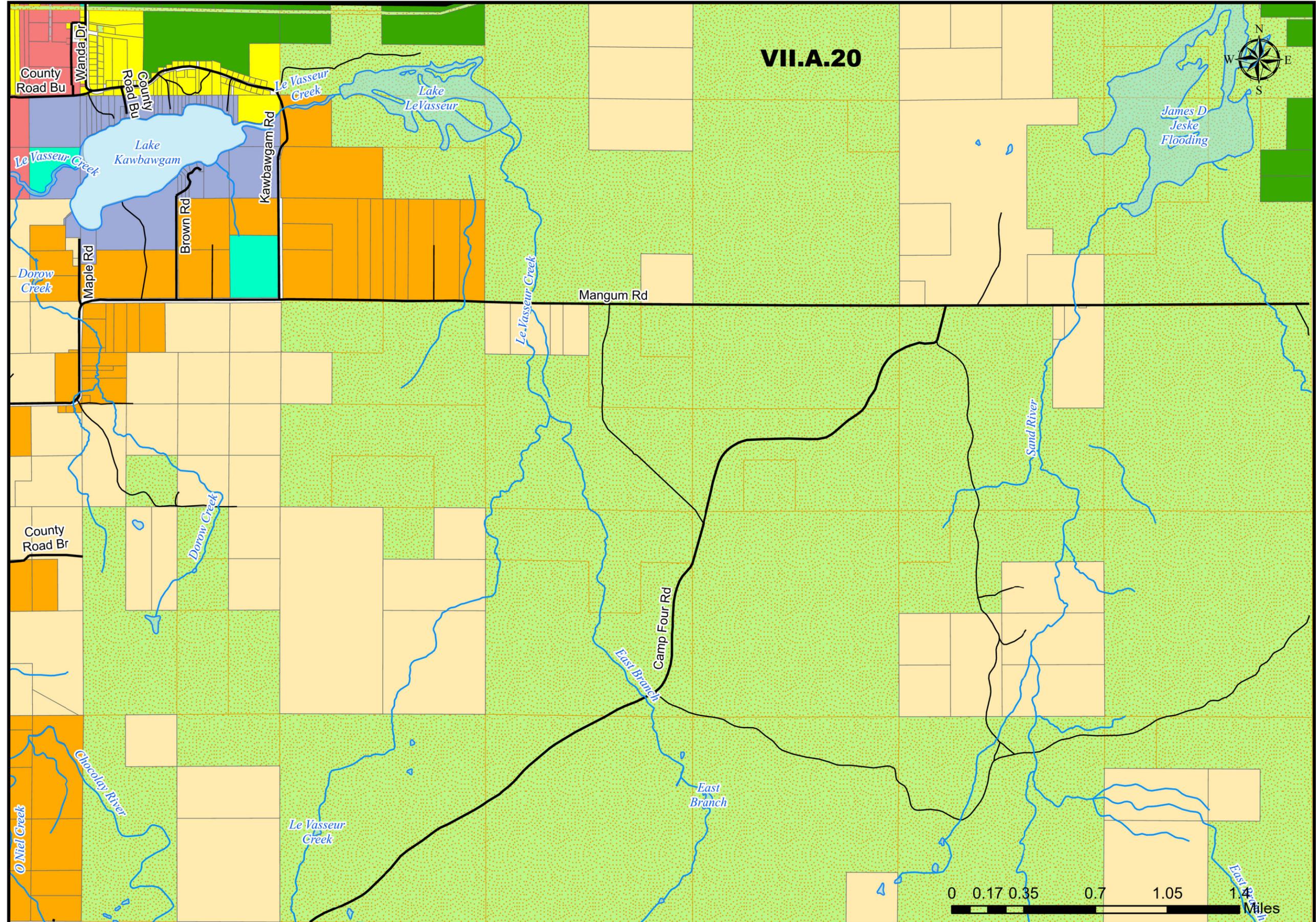
Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more

Surrounding Zoning

- KBIC
- MP
- R1
- State Lands
- WFR

Not intended for legal use



VII.A.20



Charter Township of Chocolay

Proposed AG Zoning Districts

Southeast

January 22, 2024

Lakes, Rivers and Streams

- Lake
- River or stream

Roads

- Primary road
- Secondary road
- Unpaved / not classified

Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Hydric Soils and Wetlands

- USA Wetlands
- Lake, Reservoir
 - Marsh, Swamp, Bog, Prairie
 - River

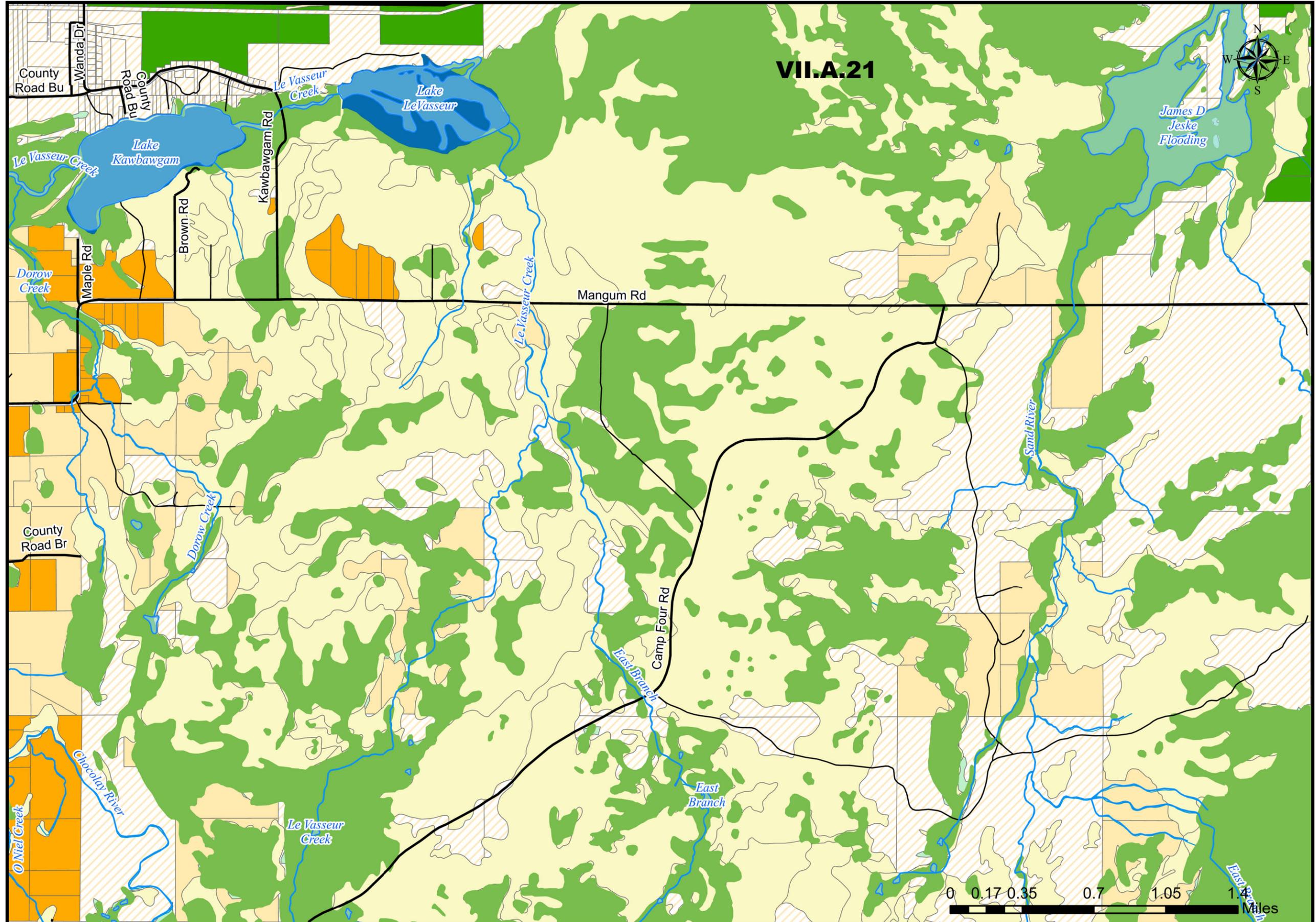
EGLE Hydric Soils

- Hydric Soils

Michigan Resource Inventory System (MIRIS)

- MIRIS Wetland Classes

Not intended for legal use

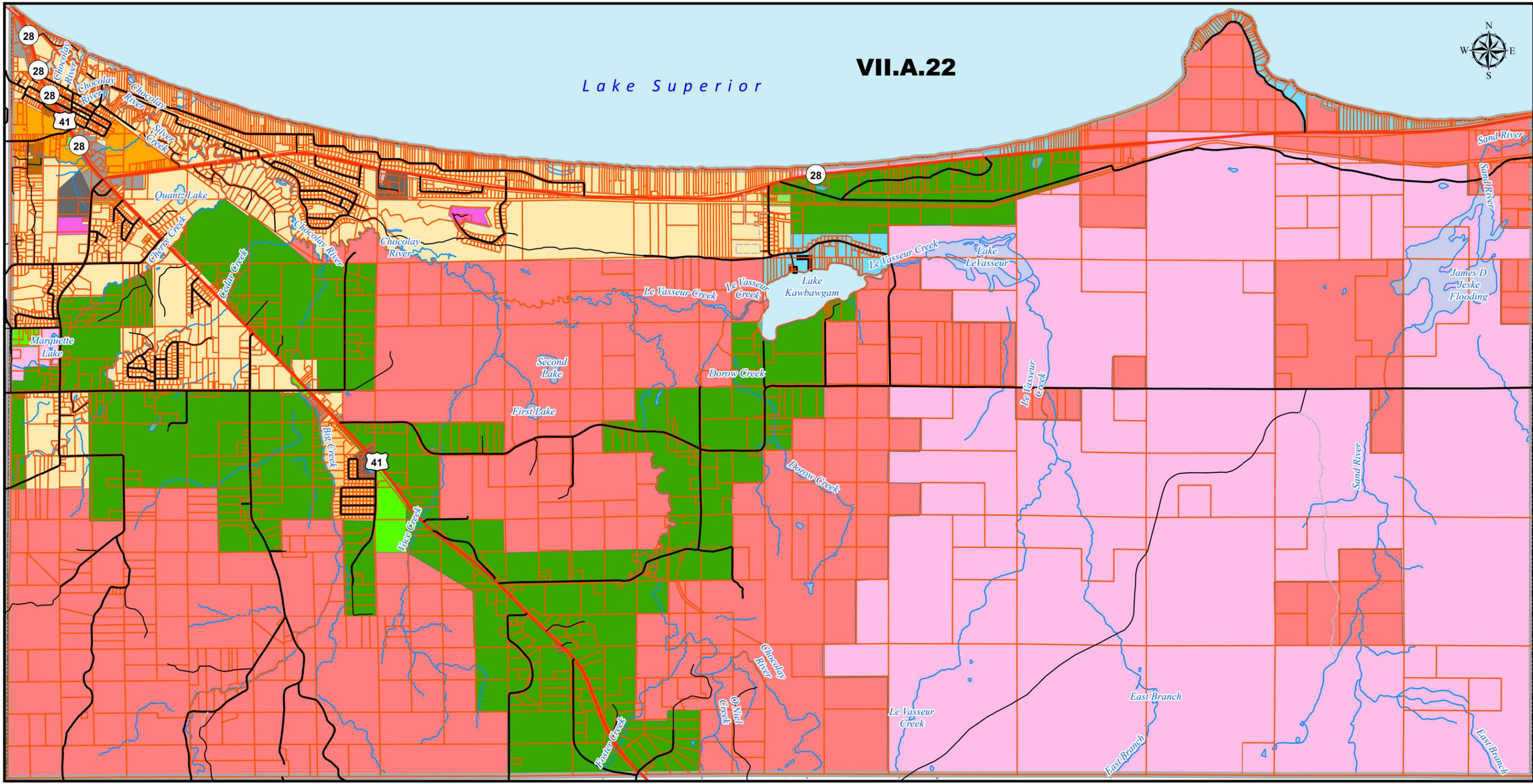


VII.A.21



VII.A.22

Lake Superior



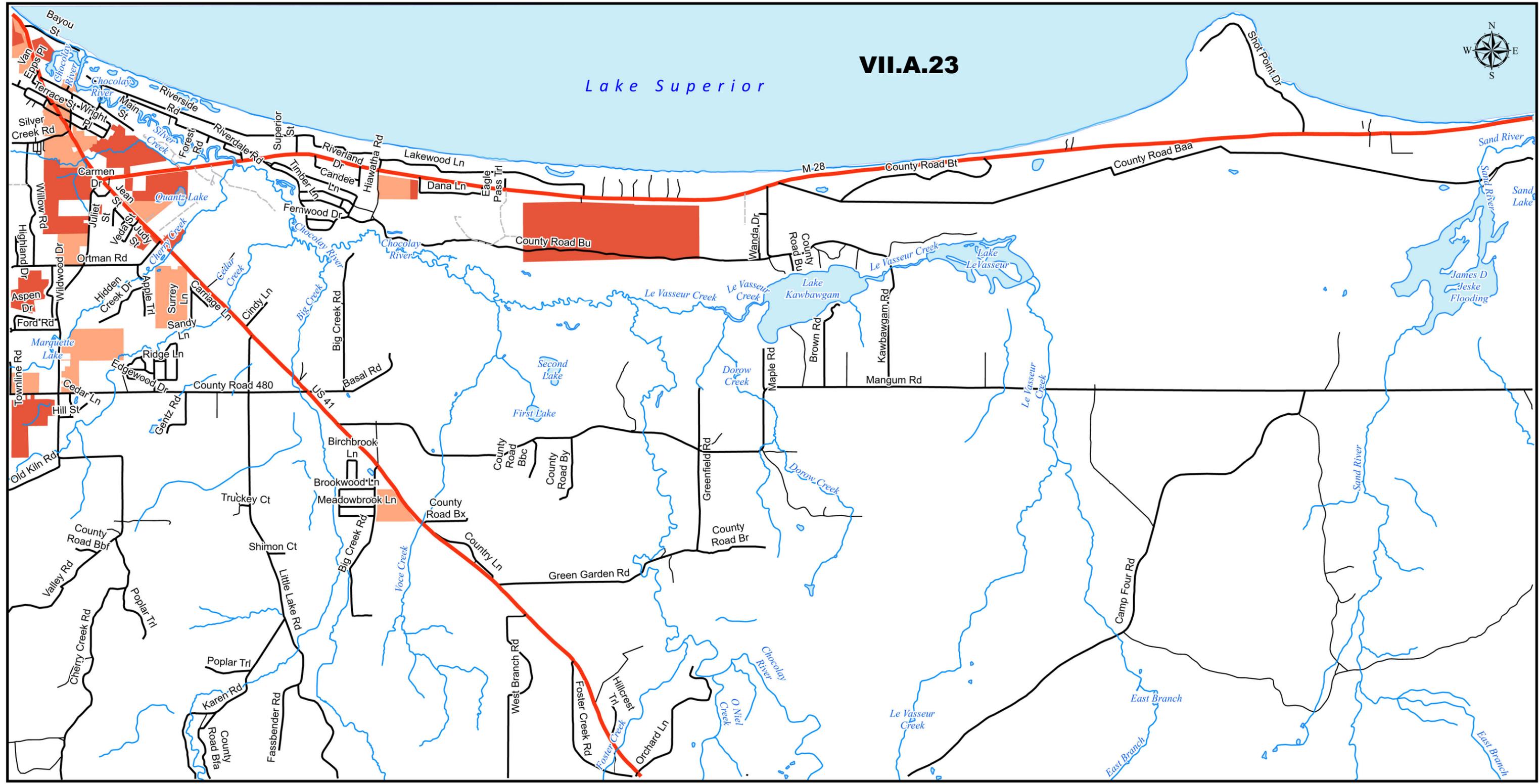

Charter Township of Chocolay
Zoning Map
 Township
 Prior to 2008
 Not intended for legal use

<p>Lakes, Rivers and Streams</p> <ul style="list-style-type: none">  Lake  Lake Superior  River or stream 	<p>Roads</p> <ul style="list-style-type: none">  Highway  Primary road  Secondary road  Unpaved / not classified 	<p>Zoning districts prior to 2008 - all districts</p> <ul style="list-style-type: none">  C-1 (Commercial 1)  C-2 (Commercial 2)  C-3 (Commercial 3)  LS/R (Lakeshore and River)  OS (Open Space)  PUD (Planned Unit Development)  Public Lands  R-1 (Residential 1)  R-2 (Residential 2)  R-3 (Residential 3)  R-4 (Residential 4)  RP (Resource Production)  RR-1 (Rural Residential 1)  RR-2 (Rural Residential 2)  no data available
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VII.A.23

Lake Superior




Charter Township of Chocolay
Future Growth Sectors
 2021

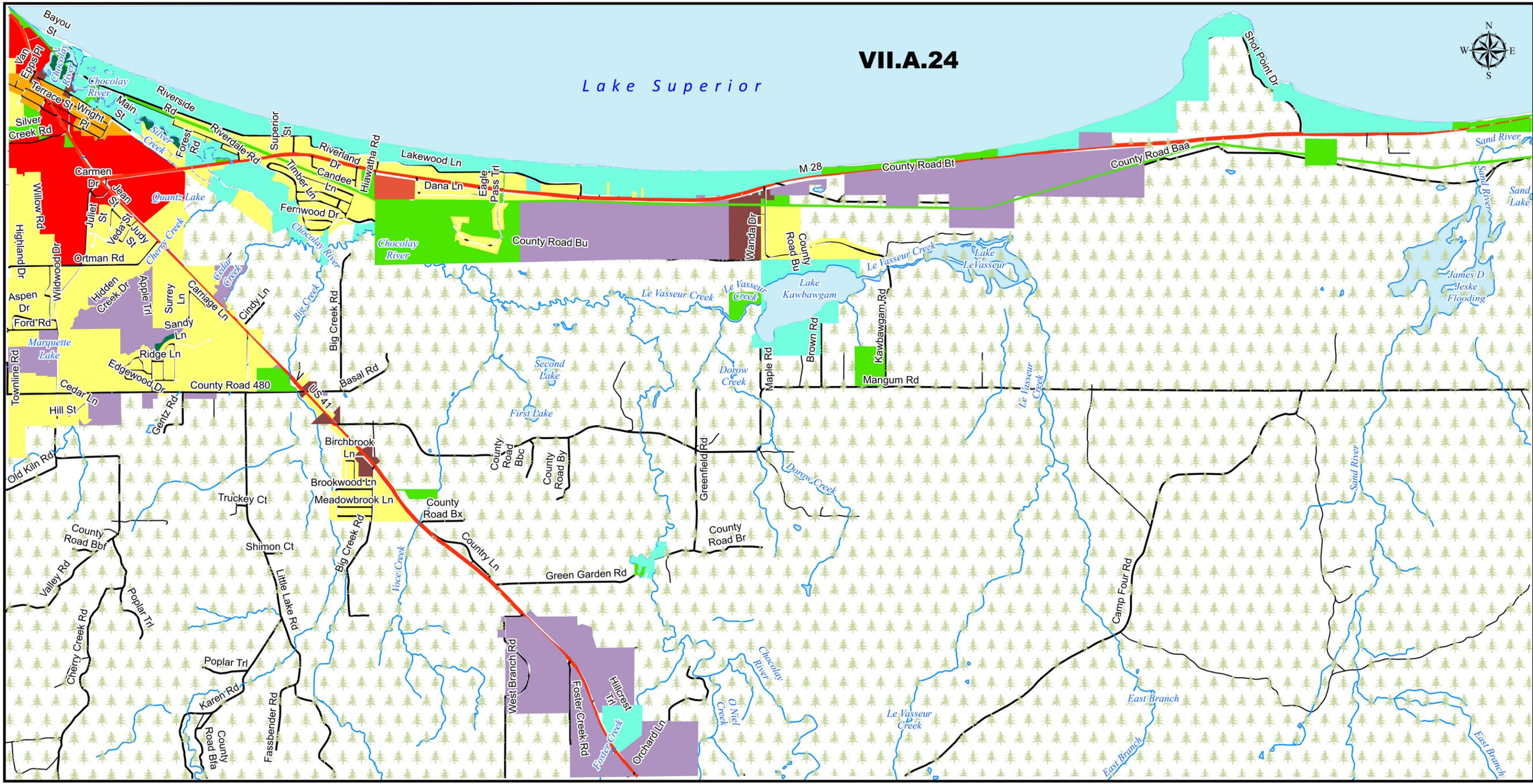
Township
September 18, 2023
 Not intended for legal use

- | Lakes, Rivers and Streams | Roads | Future Growth |
|---------------------------|--------------------------|---------------|
| Lake | Highway | Growth |
| Lake Superior | Primary road | Infill |
| River or stream | Secondary road | |
| | Unpaved / not classified | |



VII.A.24

Lake Superior



CHARTER TOWNSHIP OF CHOCOLAY

Charter Township of Chocolay

Future Land Use 2021

Township

September 18, 2023

Not intended for legal use

Lakes, Rivers and Streams	Roads	Future Land Use
Lake	Highway	AF
Lake Superior	Primary road	CR
River or stream	Secondary road	MU-C
	Unpaved / not classified	MU-N
		MU-V
		P
		R-N
		R-R
		R-V
		R-W





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.A Conditional Use Permit CU 24-01 – Proposed School 1510 M-28 East

Suggested Motions

Approval with No Conditions

_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-01, and the understanding that the proposed use is compliant with all terms of *Section 16.2 Conditional Use Permits Basis of Determination and General Standards* and the intent of the Township *Zoning Ordinance*, the Planning Commission approves Conditional Use Permit 24-01 as presented.

Approval with Conditions

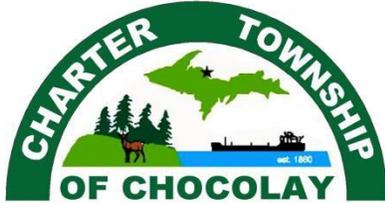
_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-01, and the understanding that the proposed use is compliant with all terms of *Section 16.2 Conditional Use Permits Basis of Determination and General Standards* and the intent of the Township *Zoning Ordinance*, the Planning Commission approves Conditional Use Permit CU 24-01 with the following conditions:

[list the conditions].

Denial with Reasons

_____ moved, _____ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-01, 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 CU 24-01 for the following reasons:

[list the reasons].



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: Conditional Use Application CU 24-01 – Proposed School 1510 M-28 East

Meeting: Planning Commission

Date: January 22, 2024

Issue Summary

The applicant is seeking approval of a site plan for a proposed school to be located at 1510 M-28 East.

Application Information

Applicant	Marquette-Alger RESA (Regional Educational Service Agency, commonly known as MARESA).
Owner	Marquette Unitarian Universalist Congregation
Parcel ID	52-02-110-002-20
Address	1510 M-28 East
Type of request	Conditional Use Permit
Date received	December 19, 2023
Base zoning district	Residential (R-1)
Overlay zoning district	none
Present land use	Church
Date of public notice	December 27, 2023 – Marquette <i>Mining Journal</i> 48 property owner letters were postmarked and mailed on January 2, 2024 to property owners within 500' of the owner's parcel. Three notices were returned as not delivered.
Public Comment Received	none
Date of review	January 12, 2024

Application Summary

Marquette Unitarian Universalist Congregation, owner of parcel 52-02-110-002-20 located at 1510 M-28 East, is seeking to change the use of the property from a church to a school on behalf of MARESA.

Regulatory Analysis

Site Background

Lot size	4.59 acres Acreage exceeds the minimum lot size requirement of 25,000 square feet (.57 acres) for properties located in the R-1 zoning district as found in Section 6.1 in the Township zoning ordinance.
Lot Width:	Approximately 1,000 feet Frontage exceeds the minimum of 125 feet of frontage for properties located in the R-1 zoning district as found in Section 6.1 in the Township zoning ordinance.

Legal Description

The property is legally described as extracted from the Township assessing record:

“SEC 10 T47N R24W PRT OF GOV'T LOT 3 COM AT TH NW COR OF LOT 26 DANA ESTATES; TH N 80DEG 58'45" W ALG M-28 R/WY 604.31FT TO POB; TH S 9DEG 5'19" W 149.99FT; TH N 80DEG 58'46" W 523.57FT; TH S 00DEG 50' W 81.64FT; TH N 89DEG 12'10" W 440FT; TH N 00DEG 47'50" E 145.23FT; TH N 80DEG 58'45" W 31.63FT; TH N 9DEG 1'15" E 150FT TO R/WY; TH S 80DEG 58'45" E 1000FT ALG R/WY TO POB. 4.59AC+/-“

Existing Non-Conformance

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

Zoning and Use History

The parcel was zoned as R-1 (Residential 1) in 1977. The zoning designation was changed to R1 (Single Family Residential) in 2008. The use as a church began in 1993.

Previous Conditional Use Permits

The parcel has two previous conditional use permits:

- 1) CU 27 use as a church
- 2) CU 27A expansion of the church use

Project Zoning District

This project will be in the Residential (R-1) zoning district.

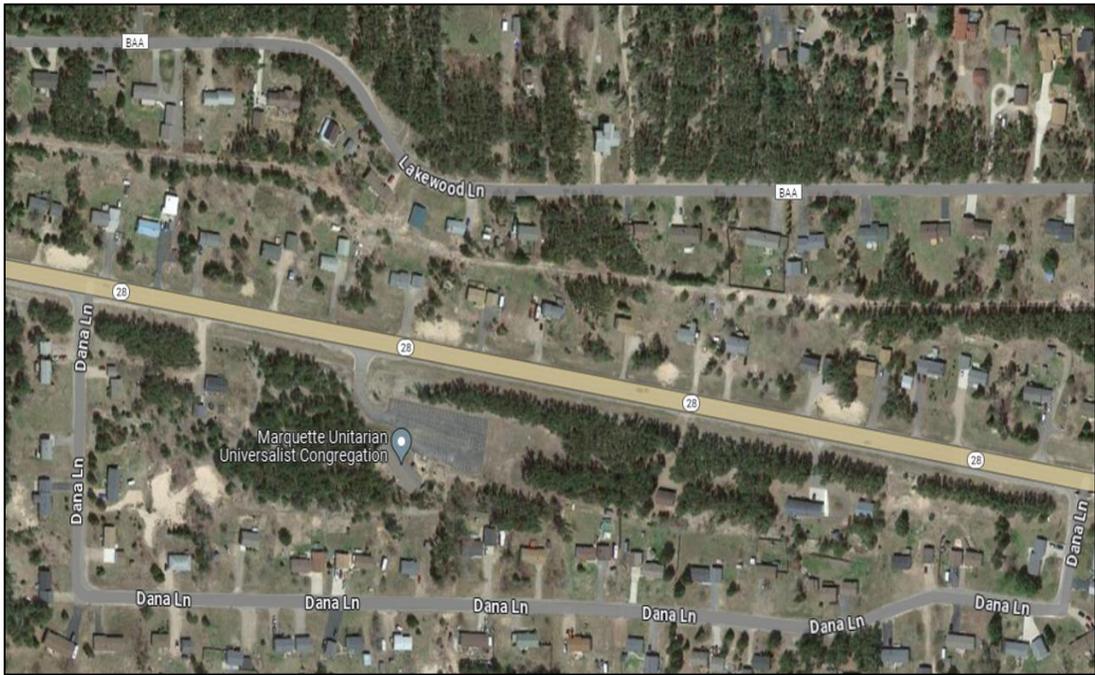
Adjacent Zoning Districts and Land Uses

Direction	Zoning	Land Uses
North	R-1	Occupied residential
South	R-1	Occupied residential
East	R-1	Occupied residential
West	R-1	Occupied residential

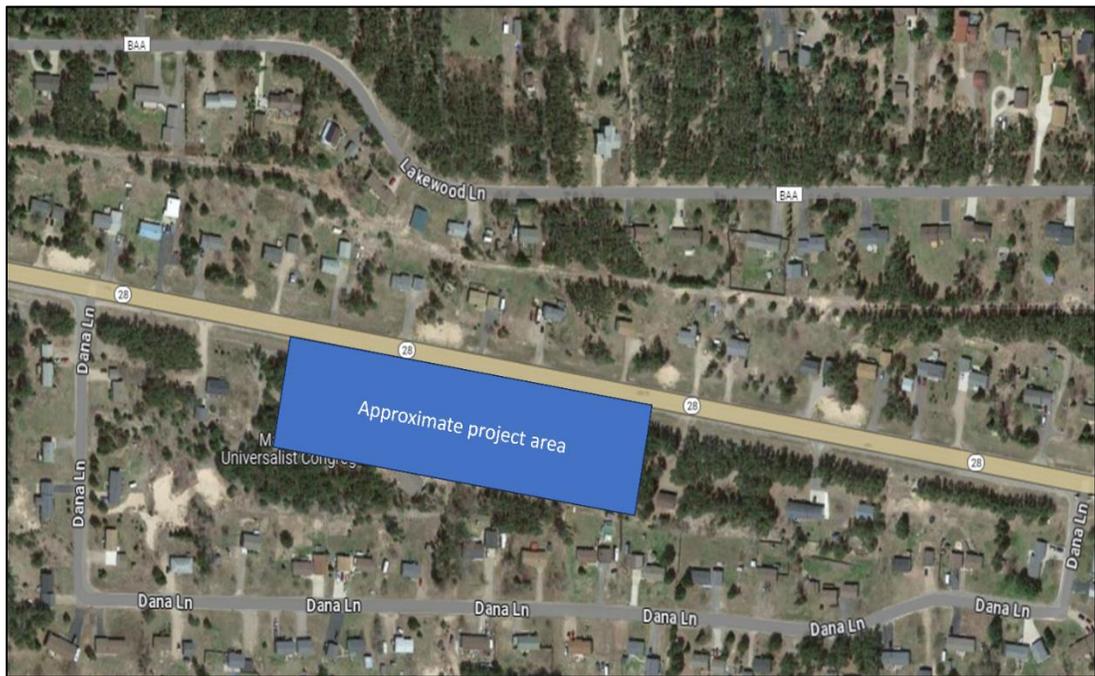
The property will be accessed from M-28 East.



Aerial View



Aerial View – Project Location



Proposed Hours

Proposed hours of operation will follow typical school hours. The site will generally be closed in the evenings and weekends.



Parking Spaces

For parking purposes, the project will follow parking requirements as detailed in Section 8.1 of the Township zoning ordinance.

As this project is not specially listed in section 8.1, staff used the *Churches, theaters, facilities for spectator sports, auditorium, concert halls* parking requirement of “.35 times the seating capacity”. Based on this calculation, the site has more than sufficient parking for employees and others that may be at the site during hours of operation.

Zoning Ordinance Definitions

There are no specific definitions for the proposed use in the Township zoning ordinance in the general definitions.

School is defined in Section 5.5 Mixed Use Overlay District in the Township zoning ordinance as “A facility offering instruction at the pre-school to high school level.”

The proposed use of the facility meets this definition.

Zoning District Permitted and Conditional Uses

Extracted from Section 4.1 in the Township zoning ordinance:

4.1 Single Family Residential District

(A) Intent

To establish and preserve quiet single-family home neighborhoods, free from other uses except those which are both compatible with and convenient to the residents of such a district.

(B) Permitted Principal Uses

1. Detached single-family dwellings
2. Family Day Care homes
3. Registered Rental Dwellings (**#34-19-04**)
4. Accessory structures (**#34-21-02**)

(C) Conditional Uses

1. **Schools**
2. Churches
3. Public and private parks
4. Outdoor wood boilers (see *Section 6.5*) (**#34-13-05**)
5. WECS on lots of 5 acres or more, including conditions of approval
6. Unlighted golf courses on a minimum lot size of 60 acres
7. Group Day Care homes
8. Rural Cluster Development Subdivisions (see *Section 6.12*)
9. Accessory Housing Units

(#34-10-05)

Staff Comment

The proposed conditional use category for this application is 4.1 (C).1 Schools.



Basis of Determination

Section 16.2 Basis Of Determination And General Standards (extracted from 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

There are no proposed changes to the exterior of the structure or the property that would alter the character of the adjacent properties.

Lighting will be minimal and will be contained within the property.

Noise will be primarily contained within the structures on the property. Other than the noises of students outdoors, neighbors should not be affected by property noises.

Operation during normal school hours will limit the times that noise will be a potential issue on the property.

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 structure on the property will not change, and traffic to the property will be consistent with normal school hour traffic with minimum impact to the surrounding residential properties.

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

Staff Comment

School activities will primarily be indoors, with minimal activity outside of the school. Most school activities will be limited to a Monday through Friday schedule.

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

Staff Comment

The use will provide a special needs school opportunity for not only area residents but also for those in surrounding areas.

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 facility and surrounding area is 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 proposed use of the building serves as a way to provide services to the special needs students that live throughout the MARESA district.

In keeping with the intent of a residential district, schools and churches have traditionally been located in that district. This particular use will not impact the surrounding residential community.

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

Managed Development and Growth, page 47

“Terms such as “sustainable development” and “smart growth” have become more commonplace in communities of all sizes, although these concepts are still debated in relation to local context. It is about getting the most out of future growth and development while avoiding negative consequences, and it is essential for Township consideration.”

Economic Development, Strategy ED-1, page 104

“Promote economic development through talent development and attraction, entrepreneurship, innovation, and technology.”

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

The applicant will acquire the proper compliance permits from the Township, Marquette County Building Codes, MDOT (if necessary), Marquette County Health Department and the State of Michigan.

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 operation will be reviewed after startup 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

The applicant will acquire the proper compliance permits from the Township, Marquette County Building Codes, MDOT (if necessary), Marquette County Health Department and the State of Michigan.

Additional Consideration

From Section 16.2 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).

There will be minimal detrimental effect on surrounding properties as this will be a school project located on a site that was already used for similar (church) purposes.

Lighting on the site will be minimal, primarily for security over entrance doors.

All noises directly related to the operation will be contained primarily within the facility located on the property.

To date, there are no open Township permits for any projects on this property.

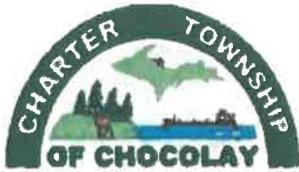
Author: Dale Throenle
Date: January 12, 2024

Attachment

1. *Conditional Use application CU 24-01*

DEC 20 2023

CONDITIONAL USE PERMIT APPLICATION



CHOCOLAY TOWNSHIP

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

APPLICATION NUMBER
CU- PAID
24 01

PROPERTY AUTHORIZATION

Date of application _____ Project address 1510 E. Highway M28; Marquette, MI 49855

PROPERTY OWNER

Name Mqt Unitarian Universalist Cong.
Address PO Box 687, 1510 M-28 East
City / State / Zip Marquette, MI 49855
Contact number _____
E-mail _____

APPLICANT (if different from property owner)

Name Marquette-Alger RESA
Address 321 E. Ohio Street
City / State / Zip Marquette, MI 49855
Contact number _____
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 _____

Owner Signature _____ Jill Malin, Treasurer Date 12/15/2023

PROJECT INFORMATION

Existing Use

Church

Proposed / Expansion Use

Day treatment school program to provide education and intensive therapeutic services that will serve students with significant mental health needs.

Adjacent Zoning and Uses

North Zoning R1 Use Residential South Zoning R1 Use Residential
East Zoning R1 Use Residential West Zoning R1 Use Residential

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.*

Any changes in the design, construction, or operation of the property will be consistent with adjacent properties and surrounding area.

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

Any changes to the facility will maintain the essential character of the surrounding area. Improvements will be made, such as structural improvements to the building and parking lot, but will not compromise the existing character.

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

The site will be in use during typical school hours. On-site staff will provide adequate supervision to students during these times, and use of the facility will not interfere with the general enjoyment of adjacent properties.

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

Facility and property improvements will add to the value and appeal of the surrounding area. The operation of the program itself, an educational program with a therapeutic component, will add value to our community.

- 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 hazardous activities, materials, or equipment will be used on the property.

- 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.*

The property will be adequately served and maintained.

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

The use of the property will not place demands on public services and facilities that are in excess of current capacity.

- 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.*

The use of the property is consistent with the intent and purpose of the Ordinance, as well as the objectives of any currently adopted township development 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.*

The use of the property will be compliant with all other federal, state, or local statutes, regulations, and ordinances.

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 property will be operated by Marquette-Alger Regional Education Service Agency, in partnership with Great Lakes Recovery Center. The goal is to open a "day treatment program" that will serve the educational and therapeutic needs of up to 12 adolescents who are students in Marquette and Alger county school districts.

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

The program will consist of two classrooms, two therapy rooms, a kitchen, bathrooms, and a small recreational area. Outdoor spaces will be utilized for walking and leisure. Proposed hours of operation are 7:30-3:00. Activities will run similar to a typical school day, with time also allotted for individual and group therapy provided by licensed staff.

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

There will be a high staff to student ratio, including 6-7 staff for 12 students. Students qualify for the program because they have mental health needs that make it difficult for them to find success in a typical school environment. This program will address a significant need in our community, and will not create a disruption in the neighborhood.

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

The current structure, design, and appearance of the property lends itself well to the program that is being proposed. No major changes will be done to the general appearance, other than improvements to the parking lot and facility.

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

Adequate adult supervision will be provided by licensed educational and therapeutic staff. Structured activities will be provided for youth during operating hours.

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?

The proposed program will positively impact the lives of students, families, and community members. It will help provide the educational and therapeutic services needed for students who require intensive mental health therapy in order to find success in school.

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

Students in the program may have difficulty, at times, with managing their emotions. Our staff will be trained to provide the necessary intervention needed to support students during challenging times during operating hours of 7:30-3:00.

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

The property would be updated and well-maintained, without compromising the existing appearance or style.

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 permits or licenses.

Owner / agent signature  Date 12/16/2023
 Name (print) Jill Malin

TOWNSHIP OFFICE

Parcel ID 52-02-110 - 002 - 20 Zoning District R1

Application Charge \$200.00

Date paid 12/20/23 Receipt number 48105

Public Hearing Notifications

Minimum of 30 calendar days prior to the Planning Commission meeting

Scheduled Planning Commission meeting date 1.22.24
 Date public hearing notice to be published 1.7.24
 Date notices to be mailed to the affected public 1.7.24
 Date notice to be posted on the Township web site 1.7.24

Zoning Administrator signature  Date 12-20-23

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 Notice
Chocolay Township Planning Commission
Conditional Use Application
January 22, 2024

Size: 2 x 4

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

December 27, 2023



ANN TROUTMAN

Subscribed and sworn to before me this 27th day of December, 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 school in a residential zoning district on Monday, January 22, 2024 at 6 PM in the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, MI.

Marquette Unitarian Universalist Congregation proposes to change the use of the church to a school at 1510 M-28 East. A Conditional Use permit for this use is required according to Article 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 January 17, 2024.



Charter Township of Chocolay

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

January 2, 2024

Notification: Property owners within 500 feet of 1510 M-28 East

Reason: Public Hearing Conditional Use Permit CU 24-01 1510 M-28 East

Dear property owner:

The Chocolay Township Planning Commission will hold a public hearing on a conditional use application for a school in a residential zoning district on Monday, January 22, 2024 at 6 PM in the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, Michigan.

Marquette Unitarian Universalist Congregation proposes to change the use of the church to a school at 1510 M-28 East. A Conditional Use permit for this use is required according to Article XVI of the Chocolay Township Zoning Ordinance.

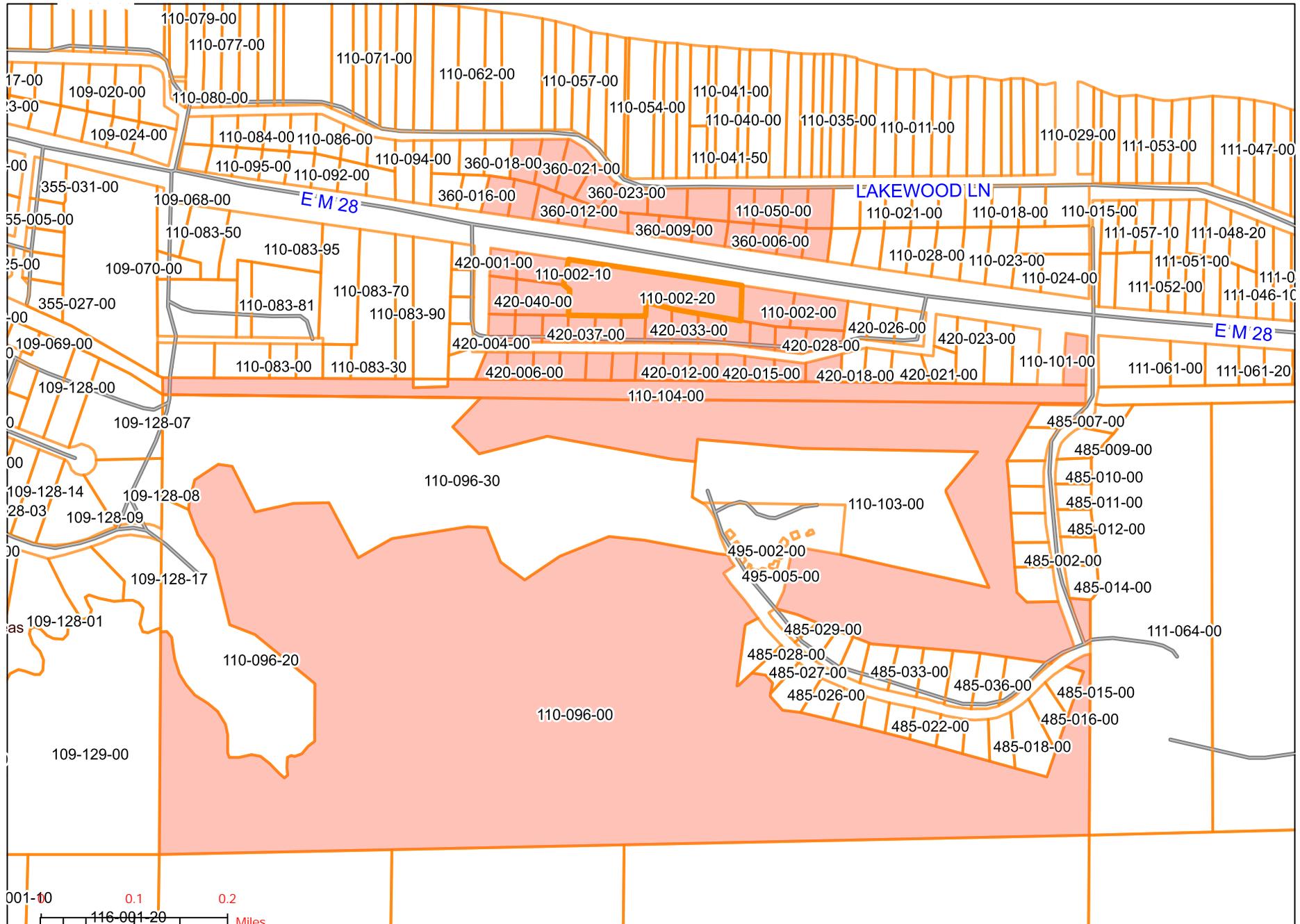
A copy of the request is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at chocolay.gov. Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email (publiccomment@chocolay.gov). Comments will be received until 12:00 PM January 17, 2024.

Sincerely,

Dale Throenle
Planning Director / Zoning Administrator

CU 24-01 1510 M-28 East public hearing notification map

VIII.A.6



52-02-110-104-00
DNR REAL ESTATE DIVISION
PAYMENT IN LIEU OF TAXES
SOO LINE RR R/WY
MARQUETTE MI 49855

52-02-110-002-00
CAMPANA TRUST
CAMPANA DAVID J
1550 M 28 E
MARQUETTE MI 49855

52-02-110-002-10
JOHNSON NICHOLAS R
1484 M 28 E
MARQUETTE MI 49855

52-02-110-002-20
MARQUETTE UNITARIAN UNIVERSALIST
1510 M 28 E
MARQUETTE MI 49855

52-02-110-002-30
MARCINIAK MARK A & CARMEN M
1560 M 28 E
MARQUETTE MI 49855

52-02-110-047-00
MATSON ELLEN K REV TRUST
684 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-048-00
GRAY JOSEPH R
706 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-049-00
DE MERSE DANIEL & ROBIN
698 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-050-00
KOLTVEDT DIANE F
680 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-051-00
GAUTHIER LACEY A & LAPLANT TRAVIS R
668 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-052-00
SLITOR TRUST
SLITOR ARLENE F
676 LAKEWOOD LN
MARQUETTE MI 49855

52-02-110-066-00
MARQUETTE CO ROAD COMMISSION
M 28 E
MARQUETTE MI 49855

52-02-110-096-00
NORTHERN MICHIGAN UNIVERSITY
1598 M 28 E
MARQUETTE MI 49855

52-02-360-003-00
O'BRIEN PATRICK D & ERIKA A
1565 M 28 E
MARQUETTE MI 49855

52-02-360-004-00
BRETALL DAVID & JOANNE
1557 M 28 E
MARQUETTE MI 49855

52-02-360-005-00
HUTCHINSON RONNIE & LISA
1549 M 28 E
MARQUETTE MI 49855

52-02-360-006-00
SNYDER CHERE
1531 M 28 E
MARQUETTE MI 49855

52-02-360-007-00
GUTZMAN DALE R & SAMANTHA J
1523 M 28 E
MARQUETTE MI 49855

52-02-360-008-00
PHILLIPS TIMMY & PAMELA
1519 M 28 E
MARQUETTE MI 49855

52-02-360-009-00
HAMARI NICHOLAS
DUQUETTE AMY JO
1511 M 28 E
MARQUETTE MI 49855

52-02-360-010-00
DORSEY DANNY
1507 M 28 E
MARQUETTE MI 49855

52-02-360-011-00
HERMAN TRUST
HERMAN THALE W
1487 M 28 E
MARQUETTE MI 49855

52-02-360-012-00
CISLUYCIS ROBERT A
1483 M 28 E
MARQUETTE MI 49855

52-02-360-013-00
KLARICH RYAN P & SHANNON
1479 M 28 E
MARQUETTE MI 49855

52-02-360-014-00
KYTO PAUL N & DARLENE
1475 M 28 E
MARQUETTE MI 49855

52-02-360-020-00
BEAUDRY ROBIN & JENNIFER
634 LAKEWOOD LN
MARQUETTE MI 49855

52-02-360-021-00
CULPEPPER OWEN & RICKARD LAUREN
638 LAKEWOOD LN
MARQUETTE MI 49855

52-02-360-022-00
POTILA TYLER JAY & ASAVESNA
PARICHATR
642 LAKEWOOD LN
MARQUETTE MI 49855

52-02-360-023-00
GULLSTRAND-BARABOO LISA TRUST
656 LAKEWOOD LN
MARQUETTE MI 49855

52-02-360-024-00
BENSON WALDO & FRANCES
662 LAKEWOOD LN
MARQUETTE MI 49855

52-02-420-006-00
SEEKE NADINE TRUST
NADINE L SEEKE REV LIVING TRUST
124 DANA LN
MARQUETTE MI 49855

52-02-420-007-00
DU ROY LELAND
ROSS ANGELA
128 DANA LN
MARQUETTE MI 49855

52-02-420-008-00
KOENIG KATHY J
132 DANA LN
MARQUETTE MI 49855

52-02-420-009-00
LILES MARK
CONNELL MEGHAN
136 DANA LN
MARQUETTE MI 49855

52-02-420-010-00
KEMPPAINEN HOWARD R
140 DANA LN
MARQUETTE MI 49855

52-02-420-011-00
PFUGHOEFT REBECCA E
144 DANA LN
MARQUETTE MI 49855

52-02-420-012-00
HULT MICHAEL E
148 DANA LN
MARQUETTE MI 49855

52-02-420-013-00
NEGRI CARRIE A
152 DANA LN
MARQUETTE MI 49855

52-02-420-014-00
HOLM LEONARD F & ANGELA C
156 DANA LN
MARQUETTE MI 49855

52-02-420-015-00
RAY CHRISTOPHER & HOLLY
160 DANA LN
MARQUETTE MI 49855

52-02-420-016-00
BRESSETTE JOANN
164 DANA LN
MARQUETTE MI 49855

52-02-420-017-00
SINERVO JEAN D
168 DANA LN
MARQUETTE MI 49855

52-02-420-018-00
WELCH GREGORY V
172 DANA LN
MARQUETTE MI 49855

52-02-420-027-00
BAGGETT TRUST
BAGGETT RONALD A/ SHARON M
169 DANA LN
MARQUETTE MI 49855

52-02-420-028-00
LIVERMORE CODY & MOLLY
165 DANA LN
MARQUETTE MI 49855

52-02-420-029-00
SMITH CARL L & CYNTHIA A
161 DANA LN
MARQUETTE MI 49855

52-02-420-030-00
WARD TRUST
WARD DEWAYNE D/ JOY M
157 DANA LN
MARQUETTE MI 49855

52-02-420-031-00
CARLSON ARTHUR
153 DANA LN
MARQUETTE MI 49855

52-02-420-032-00
RACINE CHERYL
149 DANA LN
MARQUETTE MI 49855

52-02-420-033-00
JANDREAU LARRY E JR & LORI
145 DANA LN
MARQUETTE MI 49855

52-02-420-034-00
YELLAND ROBERT
141 DANA LN
MARQUETTE MI 49855

52-02-420-035-00
DURAND GALE
137 DANA LN
MARQUETTE MI 49855

52-02-420-036-00
MILLER MICHAEL L & JOLENE L
133 DANA LN
MARQUETTE MI 49855

52-02-420-037-00
LOCKWOOD SETH & MELANIE
129 DANA LN
MARQUETTE MI 49855

52-02-420-038-00
FRAME JAMES
125 DANA LN
MARQUETTE MI 49855

52-02-420-039-00
SZYMKOWSKI ANDREA
111 DANA LN
MARQUETTE MI 49855

52-02-420-040-00
OLLILA DALE J
105 DANA LN
MARQUETTE MI 49855

52-02-420-041-00
IERY WILLIAM & GINA M
101 DANA LN
MARQUETTE MI 49855

VIII.B.1



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 Election of Planning Commission Officers

Suggested Motions

Motion Number 1 – Chair of the Planning Commission

_____ moved, and _____ seconded
to elect _____ as the Chair of the Planning Commission.

Motion Number 2 – Vice-Chair of the Planning Commission

_____ moved, and _____ seconded
to elect _____ as the Vice-Chair of the Planning Commission.

Motion Number 3 – Secretary

_____ moved, and _____ seconded
to elect _____ as the Secretary of the Planning Commission.

Motion Number 4 – Vice-Secretary

_____ moved, and _____ seconded
to elect _____ as the Vice-Secretary of the Planning Commission.



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: Election of Planning Commission Officers

Meeting: January Planning Commission Meeting

Date: January 22, 2024

Issue Summary

Each year, the Planning Commission must elect new officers as directed by Article V in the *Procedures and Bylaws of the Chocolay Township Planning Commission* (see attached).

Background

Language in Article V in the *Procedures and Bylaws of the Chocolay Township Planning Commission* states:

"Section 1. The officers of the Chocolay Township Planning Commission shall consist of the Chair, Vice-Chair, Secretary, and Vice-Secretary.

Section 2. The Executive Committee shall consist of the Chair, Vice-Chair, Secretary and Vice-Secretary.

Section 3. Officers shall be elected by the Township Planning Commission from among its members at the January meeting and shall serve for a period of one year."

Don Rhein, who is the Board-appointed representative to the Planning Commission, is not eligible to be elected to any office according to language in Article III in the *Procedures and Bylaws of the Chocolay Township Planning Commission*. The language states:

"The member representing the Township Board shall maintain liaison with the Board and may not hold an office on the Planning Commission."

Recommendation

Staff recommends the order of election be:

- 1) Chair
- 2) Vice-Chair
- 3) Secretary
- 4) Vice-Secretary

Author: Dale Throenle

Date: January 9, 2024

Attachments

1. *Planning Commission Procedures and Bylaws*
2. *Michigan Planning Enabling Act, Act 33 of 2008*



CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION

PLANNING COMMISSION BYLAWS AND PROCEDURES

Article I Name and Area Served

- Section 1. This Planning Commission shall be known as the Chocolay Township Planning Commission.
- Section 2. The area served by the Chocolay Township Planning Commission shall be the entire Charter Township of Chocolay.

Article II Purpose

As an appointed body, the Planning Commission shares responsibility for local land use and infrastructure planning with the elected officials on the Township Board of Trustees. The Planning Commission is an independent advisory body that reviews and provides recommendations to the Township Board on applications for conditional use permits, planned unit developments, private road applications, rezoning requests, site plan reviews, and zoning ordinance amendments.

The Commission, along with Township staff, develops and maintains a master plan for Township Board approval, and makes sure that Commission decisions are consistent with the master plan.

The Commission also serves as a liaison with the public and other units of government. The Commission provides important leadership when involving community stakeholders in decision making, so the Board can take more efficient and effective action. The Commission represents and works on behalf of the entire community.

Article III Membership

The members in the Township Planning Commission shall be appointed by the Township Supervisor with approval of a majority of the Township Board. Membership shall be maintained at seven members appointed from all geographical areas and occupations of the Township.

The member representing the Township Board shall maintain liaison with the Board and may not hold an office on the Planning Commission.

Members other than the Board representative are appointed for three year terms.



Article IV Township Planning Commission Meetings

- Section 1. The Planning Commission shall meet in accordance with the Michigan Open Meetings Act and all other State and local laws.
- Section 2. Special meetings will be held at the call of the Chair.
- Section 3. Chocoday Township Planning Commission meetings shall be open to the public.
- Section 4. A quorum at any regular or special meeting shall consist of four (4) official members of the Planning Commission
- Section 5. For meetings of the Township Planning Commission, the rules of parliamentary practice comprised in *Robert's Rules of Order Newly Revised* shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Township Planning Commission and not contrary to any laws of the State of Michigan.
- Section 6. Interaction with the public will be guided by the Planning Commission *Public Participation Policy*.
- Section 7. A member who misses three (3) consecutive regular meetings, or a total of four (4) regular meetings in any 6-month period may be subject to replacement at the discretion of the Township Supervisor.
- Section 8. Voting
- Every member who is present when a question is last stated by the Chair shall vote for or against the motion unless:
- (1) Excused by unanimous consent of the Planning Commission members present or
 - (2) The member is financially or personally vested in the question as detailed in *Article XI*.

Article V Officers and Executive Committee

- Section 1. The officers of the Chocoday Township Planning Commission shall consist of the Chair, Vice-Chair, Secretary, and Vice-Secretary.
- Section 2. The Executive Committee shall consist of the Chair, Vice-Chair, Secretary and Vice-Secretary.
- Section 3. Officers shall be elected by the Township Planning Commission from among its members at the January meeting and shall serve for a period of one year.

Article VI Duties of the Executive Committee

- Section 1. The Executive Committee or their designee shall prepare the agenda for monthly and special Planning Commission meetings and make necessary arrangements for accommodations for the meetings.
- Section 2. The Executive Committee shall oversee work of standing committees.



Articles VII Duties of Officers

Section 1. Chair

- A. The Chair shall be an executive officer of the Township Planning Commission and shall preside at its meetings and meetings of the Executive Committee.
- B. The Chair shall appoint, with the consent of the Planning Commission, all committees or advisory committees or councils established by the Planning Commission.
- C. The Chair shall be an ex-officio member of all committees.
- D. The Chair shall have a vote upon all resolutions as a Planning Commission member or as a member of the Executive Committee.

Section 2. Vice-Chair

- A. The Vice-Chair shall serve as Chair if the Chair is absent from a meeting or if the Chair is unable to perform the duties of the Chair.
- B. In the event the office of Chair shall become vacant by resignation or otherwise, the Vice-Chair shall become Chair for the unexpired term of the Chair's office.

Section 3. Secretary

- A. The Secretary shall attend all meetings of the Planning Commission and the Executive Committee and record the minutes of such meetings.
- B. The Secretary shall keep a public record of the Planning Commissions resolutions, transactions, findings, and determinations.
- C. The Township Clerk shall have custody of the official record (minute) books of the Planning Commission and Executive Committee.

Section 4. Vice-Secretary

- A. The Vice-Secretary shall serve as Secretary if the Secretary is absent from a meeting or if the Secretary is unable to perform the duties of Secretary.
- B. In the event the office of Secretary shall become vacant by resignation or otherwise, the Vice-Secretary shall become the Secretary for the unexpired term of the Secretary's office.

Article VIII Fiscal

Section 1. The fiscal year of the Chocolay Township Planning Commission shall be January 1 to December 31 of each year.

Section 2. The Planning Commission shall prepare an annual Capital Improvement Program (CIP) of public structures and improvements to be presented to the Township Board for their approval. This plan will be presented to the Board prior to the Board meeting in July for budget consideration.



Article IX Reports

The Chocolay Township Planning Commission shall issue an annual report, and such other reports as it deems desirable, of its progress and recommendations to the Township Board, and upon request of the Township Board, shall make other such reports as the Township Board may require.

Article X Training

Section 1. Appointed members of the Commission may attend educational programs designed for training members of Michigan planning commissions if the adopted Township Board budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training.

Article XI Conflict of Interest

Section 1. Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

Section 2. A Planning Commissioner shall declare a conflict of interest when:

1. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision.
 - a. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse or a relative of any degree residing in the same household as that individual.
2. The Commissioner has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The Commissioner owns or has a financial interest in neighboring property.
 - a. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.

Section 3. The remaining Commissioners will determine if there is a conflict of interest by majority vote.

Section 4. If a conflict of interest is determined, the Commissioner found to be in conflict must refrain from discussion on the topic and will not be permitted to vote on the topic.

Article XII Amendments to By-Laws

These bylaws, in whole or in part, may be altered, amended, added to or repealed by a majority of the Planning Commission members at any regular or special meeting.



Article XIII Information

The Township Planning Commission is authorized to make use of the expert advice and information which may be furnished by the appropriate Federal, State, County and Township officials, departments and agencies having information, maps and data pertinent to Township planning.

Article XIV Agenda and Packet

Materials to be included on the agenda or in the packet for Planning Commission consideration will be accepted from the public until 12 PM on the Wednesday preceding the regular or special meeting of the Commission.

Correspondence will be accepted from the public until 12 PM on the Wednesday preceding the regular or special meeting of the Commission. Submitted correspondence must contain the name and address of the submitter to be included in the packet.



MICHIGAN PLANNING ENABLING ACT
Act 33 of 2008

AN ACT to codify the laws regarding and to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

History: 2008, Act 33, Eff. Sept. 1, 2008.

The People of the State of Michigan enact:

ARTICLE I.
GENERAL PROVISIONS

125.3801 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan planning enabling act".

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3803 Definitions.

Sec. 3. As used in this act:

(a) "Chief administrative official" means the manager or other highest nonelected administrative official of a city or village.

(b) "Chief elected official" means the mayor of a city, the president of a village, the supervisor of a township, or, subject to section 5, the chairperson of the county board of commissioners of a county.

(c) "County board of commissioners", subject to section 5, means the elected county board of commissioners, except that, as used in sections 39 and 41, county board of commissioners means 1 of the following:

(i) A committee of the county board of commissioners, if the county board of commissioners delegates its powers and duties under this act to the committee.

(ii) The regional planning commission for the region in which the county is located, if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(d) "Ex officio member", in reference to a planning commission, means a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.

(e) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other elected governing body of a city or village.

(f) "Local unit of government" or "local unit" means a county or municipality.

(g) "Master plan" means either of the following:

(i) As provided in section 81(1), any plan adopted or amended before September 1, 2008 under a planning act repealed under section 85.

(ii) Any plan adopted or amended under this act. This includes, but is not limited to, a plan prepared by a planning commission authorized by this act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term.

(h) "Municipality" or "municipal" means or refers to a city, village, or township.

(i) "Planning commission" means either of the following, as applicable:

(i) A planning commission created pursuant to section 11(1).

(ii) A planning commission retained pursuant to section 81(2) or (3), subject to the limitations on the application of this act provided in section 81(2) and (3).

(j) "Planning jurisdiction" for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction for a township refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).

(k) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(l) "Public transportation agency" means a governmental entity that operates or is authorized to operate

intercity or local commuter passenger rail service in this state or a public transit authority created under 1 of the following acts:

- (i) The metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.
- (ii) The public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479.
- (iii) 1963 PA 55, MCL 124.351 to 124.359.
- (iv) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.
- (v) The revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.
- (vi) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.
- (vii) The urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (m) "Public transportation facility" means that term as defined in section 2 of the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.402.
- (n) "Street" means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other public way intended for use by motor vehicles, bicycles, pedestrians, and other legal users.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3805 Assignment of power or duty to county officer or body.

Sec. 5. The assignment of a power or duty under this act to a county officer or body is subject to 1966 PA 293, MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573, in a county organized under 1 of those acts.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3807 Master plan; adoption, amendment, and implementation by local government; purpose.

Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

- (a) Is coordinated, adjusted, harmonious, efficient, and economical.
- (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
- (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.
- (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:
 - (i) A system of transportation to lessen congestion on streets and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
 - (ii) Safety from fire and other dangers.
 - (iii) Light and air.
 - (iv) Healthful and convenient distribution of population.
 - (v) Good civic design and arrangement and wise and efficient expenditure of public funds.
 - (vi) Public utilities such as sewage disposal and water supply and other public improvements.
 - (vii) Recreation.
 - (viii) The use of resources in accordance with their character and adaptability.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010.

ARTICLE II.

PLANNING COMMISSION CREATION AND ADMINISTRATION

125.3811 Planning commission; creation; adoption of ordinance by local unit of government; notice required; exception; adoption of charter provision by city or home rule village; effect of repeal of planning act; continued exercise or transfer of powers and duties of zoning board or zoning commission.

Sec. 11. (1) A local unit of government may adopt an ordinance creating a planning commission with powers and duties provided in this act. The planning commission of a local unit of government shall be officially called "the planning commission", even if a charter, ordinance, or resolution uses a different name such as "plan board" or "planning board".

(2) Within 14 days after a local unit of government adopts an ordinance under subsection (1) creating a planning commission, the clerk of the local unit shall transmit notice of the adoption to the planning

commission of the county where the local unit is located. However, if there is not a county planning commission or if the local unit adopting the ordinance is a county, notice shall be transmitted to the regional planning commission engaged in planning for the region within which the local unit is located. Notice under this subsection is not required when a planning commission created before the effective date of this act continues in existence under this act, but is required when an ordinance governing or creating a planning commission is amended or superseded under section 81(2)(b) or (3)(b).

(3) If, after the effective date of this act, a city or home rule village adopts a charter provision providing for a planning commission, the charter provision shall be implemented by an ordinance that conforms to this act. Section 81(2) provides for the continuation of a planning commission created by a charter provision adopted before the effective date of this act.

(4) Section 81(3) provides for the continuation of a planning commission created under a planning act repealed under section 85.

(5) Section 83 provides for the continued exercise by a planning commission, or the transfer to a planning commission, of the powers and duties of a zoning board or zoning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3813 Planning commission; effect of township ordinance; number of days; petition requesting submission of ordinance to electors; filing; petition subject to Michigan election law; violation.

Sec. 13. (1) Subject to subsection (2), a township ordinance creating a planning commission under this act shall take effect 63 days after the ordinance is published by the township board in a newspaper having general circulation in the township.

(2) Subject to subsection (3), before a township ordinance creating a planning commission takes effect, a petition may be filed with the township clerk requesting the submission of the ordinance to the electors residing in the unincorporated portion of the township for their approval or rejection. The petition shall be signed by a number of qualified and registered electors residing in the unincorporated portion of the township equal to not less than 8% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected. If such a petition is filed, the ordinance shall not take effect until approved by a majority of the electors residing in the unincorporated portion of the township voting thereon at the next regular or special election that allows reasonable time for proper notices and printing of ballots or at any special election called for that purpose, as determined by the township board. The township board shall specify the language of the ballot question.

(3) Subsection (2) does not apply if the planning commission created by the ordinance is the successor to an existing zoning commission or zoning board as provided for under section 301 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3301.

(4) If a township board does not on its own initiative adopt an ordinance under this act creating a planning commission, a petition may be filed with the township clerk requesting the township board to adopt such an ordinance. The petition shall be signed by a number of qualified and registered electors as provided in subsection (2). If such a petition is filed, the township board, at its first meeting following the filing shall submit the question to the electors of the township in the same manner as provided under subsection (2).

(5) A petition under this section, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements.

Sec. 15. (1) In a municipality, the chief elected official shall appoint members of the planning commission, subject to approval by a majority vote of the members of the legislative body elected and serving. In a county, the county board of commissioners shall determine the method of appointment of members of the planning commission by resolution of a majority of the full membership of the county board.

(2) A city, village, or township planning commission shall consist of 5, 7, or 9 members. A county planning commission shall consist of 5, 7, 9, or 11 members. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or

2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

(3) The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.

(4) Members of a planning commission shall be qualified electors of the local unit of government, except that the following number of planning commission members may be individuals who are not qualified electors of the local unit of government but are qualified electors of another local unit of government:

(a) 3, in a city that on September 1, 2008 had a population of more than 2,700 but less than 2,800.

(b) 2, in a city or village that has, or on September 1, 2008 had, a population of less than 5,000, except as provided in subdivision (a).

(c) 1, in local units of government other than those described in subdivision (a) or (b).

(5) In a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, 1 member of the legislative body or the chief elected official, or both, may be appointed to the planning commission, as ex officio members. In any other township, 1 member of the legislative body shall be appointed to the planning commission, as an ex officio member. In a city, village, or county, the chief administrative official or a person designated by the chief administrative official, if any, the chief elected official, 1 or more members of the legislative body, or any combination thereof, may be appointed to the planning commission, as ex officio members, unless prohibited by charter. However, in a city, village, or county, not more than 1/3 of the members of the planning commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the planning commission. The term of an ex officio member of a planning commission shall be as follows:

(a) The term of a chief elected official shall correspond to his or her term as chief elected official.

(b) The term of a chief administrative official shall expire with the term of the chief elected official that appointed him or her as chief administrative official.

(c) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(6) For a county planning commission, the county shall make every reasonable effort to ensure that the membership of the county planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed under subsection (5).

(7) Subject to subsection (8), a city or village that has a population of less than 5,000, and that has not created a planning commission by charter, may by an ordinance adopted under section 11(1) provide that 1 of the following boards serve as its planning commission:

(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The board of a downtown development authority created under 1975 PA 197, MCL 125.1651 to 125.1681, if the boundaries of the downtown district are the same as the boundaries of the city or village.

(c) A board created under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, if the boundaries of the authority district are the same as the boundaries of the city or village.

(8) Subsections (1) to (5) do not apply to a planning commission established under subsection (7). All other provisions of this act apply to a planning commission established under subsection (7).

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

(10) An ordinance creating a planning commission may impose additional requirements relevant to the subject matter of, but not inconsistent with, this section.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 105, Imd. Eff. June 29, 2010.

125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.

Sec. 17. (1) A planning commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under section 19.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.

Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.

Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3823 Compensation; expenses; preparation of budget; acceptance of gifts.

Sec. 23. (1) Members of a planning commission may be compensated for their services as provided by the legislative body. A planning commission may adopt bylaws relative to compensation and expenses of its members and employees for travel when engaged in the performance of activities authorized by the legislative body, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

(2) After preparing the annual report required under section 19, a planning commission may prepare a detailed budget and submit the budget to the legislative body for approval or disapproval. The legislative body annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

(3) A planning commission may accept gifts for the exercise of its functions. However, in a township, other than a township that on the effective date of this act had a planning commission created under former 1931 PA 285, only the township board may accept such gifts, on behalf of the planning commission. A gift of money so accepted in either case shall be deposited with the treasurer of the local unit of government in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special nonreverting fund only upon receipt of a voucher signed by the chairperson and secretary of the planning commission and an order drawn by the clerk of the local unit of government. The expenditures of a planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the legislative body.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3825 Employment of planning director and other personnel; contract for services; use of information and advice provided by public officials, departments, and agencies.

Sec. 25. (1) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. This authority shall be exercised by the legislative body, unless a charter provision or ordinance delegates this authority to the planning commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

(2) For the purposes of this act, a planning commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE III.

PREPARATION AND ADOPTION OF MASTER PLAN

125.3831 Master plan; preparation by planning commission; meetings with other governmental planning commissions or agency staff; powers.

Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:

(a) For a county, the master plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated area or of the county as a whole.

(b) For a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission's judgment, are related to the planning of the municipality.

(2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.

(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(c) Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(4) In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3833 Master plan; land use and infrastructure issues; inclusion of maps, plats, charts, and other related matter; recommendations for physical development; additional subjects; implementation of master street plan or certain elements; specifications; section subject to MCL 125.3881(1); public transportation facilities.

Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction.

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

(a) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, subject to subsection (5), public transportation facilities, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan

zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.

(b) The general location, character, and extent of all of the following:

(i) All components of a transportation system and their interconnectivity including streets and bridges, public transit including public transportation facilities and routes, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

(iv) Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.

(v) Public utilities and structures.

(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) Recommendations for implementing any of the master plan's proposals.

(3) If a master plan is or includes a master street plan or 1 or more elements described in subsection (2)(b)(i), the means for implementing the master street plan or elements in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.

(4) This section is subject to section 81(1).

(5) The reference to public transportation facilities in subsection (2)(a) only applies to a master plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3835 Subplan; adoption.

Sec. 35. A planning commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 7.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3837 Metropolitan county planning commission; designation; powers.

Sec. 37. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. A county planning commission so designated shall perform metropolitan and regional planning whenever necessary or desirable. The metropolitan county planning commission may engage in comprehensive planning, including, but not limited to, the following:

(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development.

(b) Programming of capital improvements based on relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of local governmental agencies within the metropolitan area or region.

(d) Intergovernmental coordination of all related planning activities among the state and local governmental agencies within the metropolitan area or region.

(2) In addition to the powers conferred by other provisions of this act, a metropolitan county planning commission may apply for, receive, and accept grants from any local, regional, state, or federal governmental agency and agree to and comply with the terms and conditions of such grants. A metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of a regional, state, or federal governmental agency in carrying out its functions, when approved by a 2/3 vote of the county board of commissioners.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

(b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan.

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.

Sec. 43. (1) Before approving a proposed master plan, a planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.

(2) The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.

(3) Approval of the proposed master plan by the planning commission under subsection (2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(4) If the legislative body rejects the proposed master plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until the legislative body approves the proposed master plan.

(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.

(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.

Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.

(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3851 Public interest and understanding; promotion.

Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(2) A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or

implementation of the master plan.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE IV.

SPECIAL PROVISIONS, INCLUDING CAPITAL IMPROVEMENTS AND SUBDIVISION REVIEW

125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3863 Approval of construction project before effective date of act; rescission of authorization; failure of planning commission to act within certain period of time.

Sec. 63. If the opening, widening, or extension of a street, or the acquisition or enlargement of any square, park, playground, or other open space has been approved by a township planning commission that was created before the effective date of this act under former 1931 PA 285 or by a city or village planning commission and authorized by the legislative body as provided under section 61, the legislative body shall not rescind its authorization unless the matter has been resubmitted to the planning commission and the rescission has been approved by the planning commission. The planning commission shall hold a public hearing on the matter. The planning commission shall submit its reasons for approval or disapproval of the rescission to the legislative body. If the planning commission disapproves the rescission, the legislative body may overrule the planning commission by a vote of not less than 2/3 of its entire membership. If the planning commission fails to act within 63 days after submission of the proposed rescission to the planning commission, the proposed rescission shall be considered to be approved by the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3865 Capital improvements program of public structures and improvements; preparation; basis.

Sec. 65. (1) To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body. The capital improvements program

shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.

(2) Any township may prepare and adopt a capital improvement program. However, subsection (1) is only mandatory for a township if the township, alone or jointly with 1 or more other local units of government, owns or operates a water supply or sewage disposal system.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3867 Programs for public structures and improvements; recommendations.

Sec. 67. A planning commission may recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof, regardless of whether the planning commission is exempted from the requirement to prepare a capital improvements program under section 65.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3869 Copy of zoning ordinance and amendments; request by county planning commission for submission by municipal planning commission.

Sec. 69. If a municipal planning commission has zoning duties pursuant to section 83 and the municipality has adopted a zoning ordinance, the county planning commission, if any, may, by first-class mail or personal delivery, request the municipal planning commission to submit to the county planning commission a copy of the zoning ordinance and any amendments. The municipal planning commission shall submit the requested documents to the county planning commission within 63 days after the request is received and shall submit any future amendments to the zoning ordinance within 63 days after the amendments are adopted. The municipal planning commission may submit a zoning ordinance or amendment under this subsection electronically.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3871 Recommendations for ordinances or rules governing subdivision of land; public hearing; notice; action on proposed plat; approval, approval with conditions, or disapproval by planning commission; approval of plat as amendment to master plan.

Sec. 71. (1) A planning commission may recommend to the legislative body provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, the county planning commission may recommend to the legislative body of the municipality provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105. A planning commission may proceed under this subsection on its own initiative or upon request of the appropriate legislative body.

(2) Recommendations for a subdivision ordinance or rule may address plat design, including the proper arrangement of streets in relation to other existing or planned streets and to the master plan; adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air; and the avoidance of congestion of population, including minimum width and area of lots. The recommendations may also address the extent to which streets shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of a plat.

(3) Before recommending an ordinance or rule described in subsection (1), the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government.

(4) If a municipality has adopted a master plan or master street plan, the planning commission of that municipality shall review and make recommendations on plats before action thereon by the legislative body under section 112 of the land division act, 1967 PA 288, MCL 560.112. If a township is subject to county zoning consistent with section 209 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3209, or a city or village is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL

124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, and the municipality has adopted a master plan or master street plan, the county planning commission shall also review and make recommendations on plats before action thereon by the legislative body of the municipality under section 112 of the land division act, 1967 PA 288, MCL 560.112.

(5) A planning commission shall not take action on a proposed plat without affording an opportunity for a public hearing thereon. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(6) A planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission. If applicable standards under the land division act, 1967 PA 288, MCL 560.101 to 560.293, and an ordinance or published rules governing the subdivision of land authorized under section 105 of that act, MCL 560.105, are met, the planning commission shall recommend approval of the plat. If the planning commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the planning commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period. The grounds for any recommendation of disapproval of a plat shall be stated upon the records of the planning commission.

(7) A plat approved by a municipality and recorded under section 172 of the land division act, 1967 PA 288, MCL 560.172, shall be considered to be an amendment to the master plan and a part thereof. Approval of a plat by a municipality does not constitute or effect an acceptance by the public of any street or other open space shown upon the plat.

History: 2008, Act 33, Eff. Sept. 1, 2008.

ARTICLE V.

TRANSITIONAL PROVISIONS AND REPEALER

125.3881 Plan adopted or amended under planning act repealed under MCL 125.3885; effect; city or home rule village charter provision creating planning commission or ordinance implementing provision before effective date of act; ordinance creating planning commission under former law; ordinance or rules governing subdivision of land.

Sec. 81. (1) Unless rescinded by the local unit of government, any plan adopted or amended under a planning act repealed under section 85 need not be readopted under this act but continues in effect as a master plan under this act, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, township plan, plan, or any other term. This includes, but is not limited to, a plan prepared by a planning commission and adopted before the effective date of this act to satisfy the requirements of section 1 of the former city and village zoning act, 1921 PA 207, section 3 of the former township zoning act, 1943 PA 184, section 3 of the former county zoning act, 1943 PA 183, or section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203. The master plan is subject to the requirements of this act, including, but not limited to, the requirement for periodic review under section 45(2) and the amendment procedures set forth in this act. However, the master plan is not subject to the requirements of section 33 until it is first amended under this act.

(2) Unless repealed, a city or home rule village charter provision creating a planning commission before the effective date of this act and any ordinance adopted before the effective date of this act implementing that charter provision continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, both of the following apply:

(a) The legislative body may by ordinance increase the powers and duties of the planning commission to correspond with the powers and duties of a planning commission created under this act. Provisions of this act regarding planning commission powers and duties do not otherwise apply to a planning commission created by charter before the effective date of this act and provisions of this act regarding planning commission membership, appointment, and organization do not apply to such a planning commission. All other provisions of this act, including, but not limited to, provisions regarding planning commission selection of officers, meetings, rules, records, appointment of employees, contracts for services, and expenditures, do apply to such a planning commission.

(b) The legislative body shall amend any ordinance adopted before the effective date of this act to implement the charter provision, or repeal the ordinance and adopt a new ordinance, to fully conform to the requirements of this act made applicable by subdivision (a), by the earlier of the following dates:

(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.

(ii) July 1, 2011.

(3) Unless repealed, an ordinance creating a planning commission under former 1931 PA 285 or former 1945 PA 282 or a resolution creating a planning commission under former 1959 PA 168 continues in effect under this act, and the planning commission need not be newly created by an ordinance adopted under this act. However, all of the following apply:

(a) Beginning on the effective date of this act, the duties of the planning commission are subject to the requirements of this act.

(b) The legislative body shall amend the ordinance, or repeal the ordinance or resolution and adopt a new ordinance, to fully conform to the requirements of this act by the earlier of the following dates:

(i) The date when an amendatory or new ordinance is first adopted under this act for any purpose.

(ii) July 1, 2011.

(c) An ordinance adopted under subdivision (b) is not subject to referendum.

(4) Unless repealed or rescinded by the legislative body, an ordinance or published rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, need not be readopted under this act or amended to comply with this act but continue in effect under this act. However, if amended, the ordinance or published rules shall be amended under the procedures of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3883 Transfer of powers, duties, and records.

Sec. 83. (1) If, on the effective date of this act, a planning commission had the powers and duties of a zoning board or zoning commission under the former city and village zoning act, 1921 PA 207, the former county zoning act, 1943 PA 183, or the former township zoning act, 1943 PA 184, and under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, the planning commission may continue to exercise those powers and duties without amendment of the ordinance, resolution, or charter provision that created the planning commission.

(2) If, on the effective date of this act, a local unit of government had a planning commission without zoning authority created under former 1931 PA 285, former 1945 PA 282, or former 1959 PA 168, the legislative body may by amendment to the ordinance creating the planning commission, or, if the planning commission was created by resolution, may by resolution, transfer to the planning commission all the powers and duties provided to a zoning board or zoning commission created under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702. If an existing zoning board or zoning commission in the local unit of government is nearing the completion of its draft zoning ordinance, the legislative body shall postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but is not required to postpone the transfer more than 1 year.

(3) If, on or after the effective date of this act, a planning commission is created in a local unit of government that has had a zoning board or zoning commission since before the effective date of this act, the legislative body shall transfer all the powers, duties, and records of the zoning board or zoning commission to the planning commission before July 1, 2011. If the existing zoning board or zoning commission is nearing the completion of its draft zoning ordinance, the legislative body may, by resolution, postpone the transfer of the zoning board's or zoning commission's powers, duties, and records until the completion of the draft zoning ordinance, but not later than until 1 year after creation of the planning commission or July 1, 2011, whichever comes first.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3885 Repeal of certain acts.

Sec. 85. (1) The following acts are repealed:

(a) 1931 PA 285, MCL 125.31 to 125.45.

(b) 1945 PA 282, MCL 125.101 to 125.115.

(c) 1959 PA 168, MCL 125.321 to 125.333.

(2) Any plan adopted or amended under an act repealed under subsection (1) is subject to section 81(1).

History: 2008, Act 33, Eff. Sept. 1, 2008.



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.C Planning Commission Bylaws and Procedures Review

Suggested Motion

_____ moved, and _____ seconded

to accept the Planning Commission Bylaws and Procedures as [presented / revised].



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

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Issue Brief: Planning Commission Procedures and Bylaws Review

Meeting: January Planning Commission Meeting

Date: January 22, 2024

Issue Summary

The Planning Commission should do a periodic review of the *Planning Commission Procedures and Bylaws* to determine if the language in the document requires changes.

Background

The current bylaws were last reviewed and updated at the July 18, 2022 meeting.

The Commissioners chose not to review the document in January 2023.

Recommendation

Staff is recommending the Commissioners review the *Planning Commission Procedures and Bylaws* to determine if changes or additions are required in the document.

Author: Dale Throenle

Date: January 9, 2024

Attachments

1. *Planning Commission Procedures and Bylaws (see the document attached to agenda item VIII.B)*



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

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Agenda Item: VIII.D 2023 Planning Commission Annual Report

Suggested Motion

_____ moved, and _____ seconded

to forward the *2023 Planning Commission Annual Report* as [presented / revised] 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: 2023 Planning Commission Annual Report

Meeting: January Planning Commission Meeting

Date: January 22, 2024

Issue Summary

Each year, the Planning Commission must submit an annual report to the Township Board as directed by Section 125.3819 in the *Michigan Planning Enabling Act 33 of 2008* and by Section IX in the *Planning Commission Procedures and Bylaws* (see both documents attached to agenda item VIII.B).

Background

Language in Section IX in the *Procedures and Bylaws of the Chocolay Township Planning Commission* states:

"The Chocolay Township Planning Commission shall issue an annual report and such other reports as it deems desirable, of its progress and recommendations to the Township Board, and upon request of the Township Board, shall make such other reports as the Township Board may require."

Staff has prepared a draft *2023 Planning Commission Annual Report* for Commissioner review. The report contains two sections:

1) Planning Commission Actions

This section details the Planning Commission actions and decisions for 2023.

2) Planning Director Activities

This section details the Planning Director activities for 2023.

3) Planning Commission Conditional Use Permits

This section details conditional use permits that the Planning Commission reviewed during 2023.

4) Planning Commission Site Plan Reviews

This section details site plans that the Planning Commission reviewed during 2023.

5) Township Plans and Ordinances

This section details changes that were made to the Township plans and the Township zoning ordinance.

Recommendation

Staff is recommending the Commissioners review the *2023 Planning Commission Annual Report* to determine if changes or additions are required before submitting the Plan to the Board for consideration.

Author: Dale Throenle

Date: January 9, 2024

Attachments

1. *Michigan Planning Enabling Act 33 of 2008 (see the document attached to agenda item VIII.B)*
2. *Planning Commission Procedures and Bylaws (see the document attached to agenda item VIII.B)*
3. *2023 Planning Commission Annual Report*



CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION
2023 PLANNING COMMISSION ANNUAL REPORT

PLANNING COMMISSION ACTIONS

January

The Planning Commissioners participated in a meeting on January 16 in the Township Fire Hall. There were four items on the agenda for the regularly scheduled meeting.

New Business

1) Election of Officers

The Commissioners held their annual election of officers. Officers for 2023 are:

Ryan Soucy	Chair
George Meister	Vice Chair
Donna Mullen-Campbell	Secretary
Rebecca Sloan	Vice Secretary

The Commissioners voted to not review the Planning Commission bylaws, as the latest revision was done in 2022.

2) 2022 Planning Commission Annual Report

The Commissioners reviewed and approved the 2022 Planning Commission Annual Report. The Commissioners voted to forward the report to the Board for consideration.

3) Industrial Zoning District Conditional Use Discussion

The Commissioners decided to propose rezoning for seven parcels on US 41 South from Industrial (I) zoning to Commercial (C) zoning. They also voted to apply the mixed use overlay district to the same parcels.

4) Zoning Districts and District Intent Statements

The Commissioners discussed items for the Board to consider for the joint meeting between the Board and the Planning Commission in February.

February

The Planning Commissioners participated in two meetings on February 13 in the Township Fire Hall.

The first meeting was a joint meeting between the Township Board and the Planning Commission.

Roger Zappa, Township Attorney, presented detailed information regarding the potential rezoning of the Agriculture / Forestry (AF) district. After his presentation, both Board members and Commissioners discussed the information presented and how that would apply to the new zoning



ordinance. The Board gave the direction to the Commissioners to continue to work on the zoning ordinance, with the intent of presenting an ordinance that was easy to read and reasonably easy to enforce.

There was one item on the agenda for the regularly scheduled meeting.

New Business

1) Joint Meeting Discussion

Commissioners discussed the directions, comments, and concerns from the joint meeting. Much of the discussion centered on the process of writing of the new zoning ordinance.

Commissioners decided on four agenda items for the March meeting:

1. Public hearing to discuss rezoning of properties in the Industrial district on south US 41 South
2. Determine the first set of online survey questions for the zoning ordinance using the newly acquired *FlashVote* software
3. Resume discussion of zoning ordinance definitions
4. Review of the table showing the potential reduction of non-conformance based on acreage sizes in the AF zoning district

March

The Planning Commissioners participated in a meeting held on March 20 in the Township Fire Hall.

There were four items on the agenda for the meeting; all were considered unfinished business.

Unfinished Business

1) Proposed *Zoning Ordinance* Changes

Commissioners discussed the options for including single family residential and registered rentals in the Industrial zoning district. Staff presented four options:

1. Leave the ordinance as is.
2. Add *Single Family Residential* and *Registered Rentals* as conditional uses in the Industrial zoning district.
3. Rezone seven parcels located below Beaver Grove on US 41 South from Industrial to Commercial and apply the Mixed Use Overlay District to the newly zoned parcels.
4. Rezone seven parcels located below Beaver Grove on US 41 South from Industrial to a new zoning district to match the district as it is defined in the Township master plan.

The Commissioners chose to go with option two; they requested a public hearing at the next meeting so they could finalize the decision and send it to the Board for consideration.



2) Non-Conforming Parcels in the Agriculture / Forestry (AF) Zoning District

Commissioners continued to discuss options related to the non-conforming parcels in the AF district. They reviewed a table of options with suggested acreage sizes and proposed uses for those options.

3) Public Input Discussion / Survey Questions

Commissioners discussed the questions that would be presented to the public with the *FlashVote* software. They designed five questions that will be used in the first public *FlashVote* poll.

4) Proposed Zoning Ordinance Definitions

Commissioners decided to table the discussion until the April meeting.

April

The Planning Commissioners participated in a meeting held on April 17 in the Township Fire Hall.

There were three items on the agenda for the meeting; one was considered unfinished business, and two were considered new business. The Commissioners also conducted a public hearing regarding proposed changes to the language for the Industrial zoning district.

Commissioners decided to address new business before unfinished business.

New Business

1) #34-23-01 Proposed Changes for the Industrial Zoning District

Commissioners conducted a public hearing prior to discussing this item. After discussion, the Commissioners decided to add *Single Family Residential* and *Registered Rentals* to the Industrial zoning district as conditional uses. They voted to send the language to the Board for the Board's decision on adding the language to the Township zoning ordinance.

2) Final Site Plan Review Application SR 23-04 - Ironworkers Local 8 Training Facility

Commissioners reviewed and discussed site plans with the applicants for a proposed Ironworkers Training Facility that will be located on M-28 East between the America's Best Value Inn and Nagelkirk Gardens.

After discussion, the Commissioners approved the site plan with some minor conditions.

Unfinished Business

1) Proposed Zoning Ordinance Definitions

Commissioners reviewed three definitions and decided to table the remaining discussion until the May meeting.



May

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 meeting; two were considered unfinished 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 unfinished 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.

Unfinished 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.

June

The Planning Commissioners participated in a meeting held on June 19 in the Township Fire Hall.

There were five items on the agenda for the meeting; three were considered unfinished business, and two were considered new business.

Commissioners decided to address new business before unfinished business.



New Business

- 1) Conditional Use Permit CU 23-19 – 6565 US 41 South

The owners of the property located at 6565 US 41 South requested a conditional use for the property to allow them to use the existing house as a residence. After discussion, the Commissioners decided to grant the conditional use permit for the project.

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

Commissioners reviewed and discussed the rezoning of a property that was previously State land to Agriculture / Forestry (AF). The applicant stated that the property would be only used for agricultural purposes.

After discussion, the Commissioners recommended sending the rezoning to the Board for consideration.

Unfinished Business

- 1) Proposed Zoning Ordinance Definitions

Commissioners continued reviewing definitions for the new zoning ordinance. They finished the discussion and made recommendations that will be presented as a final draft at the July meeting.

- 2) Proposed Agriculture Zoning District Language

Commissioners discussed the proposed AF districts and reviewed the intent statements for each district. Commissioners decided to set the districts with three sizes: AF 1 (under three acres), AF 2 (3 acres to 15 acres), and AF 3 (15 acres or more).

Commissioners reviewed and modified proposed land uses for each district.

- 3) Proposed Land Uses

Commissioners reviewed the proposed zoning districts and intent statements for each district. They began the discussion on proposed land uses, with the intent to review the uses again at the July meeting.

July

The Planning Commissioners participated in a meeting held on July 17 in the Township Fire Hall. There were four items on the agenda for the meeting; three were considered unfinished business, and two were considered new business.

Unfinished Business

- 1) Proposed Zoning Ordinance Definitions

Commissioners finished reviewing definitions for the new zoning ordinance, with minor changes to the language. The Commissioners decided to review the language one final time during the September meeting.



2) Proposed Agriculture Zoning District Language

Commissioners reviewed and modified proposed land uses for each district and made several minor changes to the language. The Commissioners decided to review the language as a final draft during the September meeting.

3) Proposed Zoning District Intent Statements and Land Uses

Commissioners reviewed the proposed zoning districts and intent statements for each district and made a change to the language. The Commissioners decided to review the language as a final draft during the September meeting.

New Business

1) Proposed Zoning Ordinance Document Layout

The Commissioners reviewed the proposed layout for the new zoning ordinance. After discussion and some minor changes, the Commissioners decided to approve the layout for the ordinance.

August

The Planning Commissioners participated in two meetings held on August 21 in the Township Fire Hall.

The first meeting was a joint meeting with the Township Board. There were three discussion items on the agenda.

1) AF Framework presentation

The Board and Commissioners discussed the direction for structuring the AF district and related zoning. Commissioners were commended on the work that had already taken place and were told to continue to work on the issue.

2) Townhall meetings

The Board requested that the Commissioners decide where and when the townhall meetings would take place regarding the AF issue.

3) Structure Size Below 800 Square Feet

The Board and Commissioners discussed the possibility of reducing the required structure footprint from 800 square feet to a different value, while adding considerations for tiny homes and accessory dwelling units.

The second meeting was the regular Planning Commission meeting. There was one item on the agenda.

1) Joint Meeting Debrief

Commissioners discussed the items presented during the joint meeting with the Board. Commissioners decided to continue working on finishing the discussion and related documents regarding the AF zoning district and decided to set up three townhall meetings to



present the materials to the public for the public's input. Commissioners decided to use the results from the townhall meetings to formulate the final decision for the AF zoning district.

Commissioners further discussed the 800 square foot structure size topic and decided to continue to research the accessory dwelling unit (ADU) issue, with concerns related to the use of the ADU after the initial use was no longer valid.

September

The Planning Commissioners participated in a meeting held on September 18 and a work session on September 26; both were in the Township Fire Hall.

For the September 18 meeting there was one item on the agenda.

- 1) Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions
Commissioners discussed the items to be presented at the three town hall meetings scheduled for September and October. Discussion included items to be displayed and how the town halls would be conducted.

For the work session on September 26 there was one item on the agenda:

- 1) Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions
Commissioners attended the meeting to hear talking points from the public regarding the proposed changes for the Agriculture / Forestry (AF) zoning district. Chair Soucy gave a short presentation, after which the Commissioners interacted with the public to get their input. 26 participants from the public attended.

October

The meeting scheduled for October was cancelled so that the Planning Commissioners could concentrate on the work sessions scheduled for October; both work sessions were scheduled close to the scheduled meeting date.

The Commissioners participated in two work sessions during October; one was held on October 10 and the other was held on October 17. Both sessions were in the Township Fire Hall.

For both work sessions there was one item on the agenda:

- 1) Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions
Commissioners attended the meetings to hear talking points from the public regarding the proposed changes for the Agriculture / Forestry (AF) zoning district. Chair Soucy gave a short presentation at each meeting, after which the Commissioners interacted with the public to get their input.

28 participants from the public attended the October 10 work session. 35 participants from the public attended the October 17 work session.



November

The Planning Commissioners participated in a meeting on November 20 in the Township Fire Hall. There were two items on the agenda.

Unfinished Business

- 1) Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions
Commissioners discussed the work sessions and the interactions with the public at the work sessions. Commissioners outlined zoning sections within the current AF zoning district that will result in the new zoning districts listed as AG 1, AG 2, and AG 3. The Commissioners instructed staff to bring a draft map of the proposed districts to the December meeting.

New Business

- 1) Housing Discussion
Commissioners began discussing housing options for the Township. The discussion primarily focused on ADUs, their types, and the possible locations in the Township.

December

The Planning Commissioners participated in a meeting on December 18 in the Township Fire Hall. There were four items on the agenda, and the Commissioners decided to do new business prior to unfinished business.

New Business

- 1) Preliminary Site Plan Review - Dollar General Store # 30520
Commissioners discussed the preliminary site plan for a proposed Dollar General store that will be located at 4050 US 41 South, the former site of the St. James the Lesser Episcopal Church. Commissioners suggested minor changes to the applicant. The applicant will be bringing the formal site plan back to the Planning Commission at a future meeting.
- 2) Proposed 2024 Planning Commission Meeting Dates
Commissioners discussed the planning commission dates for 2024. The Commissioners changed the dates for two of the scheduled meetings - from January 15 to January 22 and November 18 to November 25.

Unfinished Business

- 1) Proposed Zoning Ordinance Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)
Commissioners discussed the proposed zoning ordinance language for the AG 1, AG 2, and AG 3 zoning districts. Commissioners made minor changes and recommended the language be put forward into a public hearing at a future meeting.



2) Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Commissioners discussed the proposed zoning district locations for the AG 1, AG 2, and AG 3 zoning districts. Commissioners made changes and will review the proposed mapping again at the January 2024 meeting.

Planning Director Activities

In addition to preparing agenda materials for Planning Commission meetings and attending the Planning Commission meetings, the Planning Director completed additional activities and attended training and seminars throughout the year:

January

No activities

February

- Attended a DNR Recreation Grants webinar
The webinar focused on how to submit grants related to recreation.
- Attended an Opportunities for Renewable Energy webinar
The webinar focused on renewable energy options for commercial and industrial locations.

March

- Attended an Opportunities for Renewable Energy webinar
The webinar featured the work conducted from the Michigan Clean Energy Assets Roadmap Program.
- Attended a Climate Adaptation Task Force (CATF) meeting in Marquette
The meeting focused on various activities in and around Marquette related to climate resilience and adaptation.
- Attended a Superior Trade Zone meeting in Rock
The meeting focused on activities occurring throughout the trade zone corridor.
- Attended a FEMA Substantial Improvement / Substantial Damage webinar
The webinar focused on the distinctions between damage and improvements caused by catastrophic events.

April

No activities



May

- Attended a FEMA Building a Successful Acquisition Application webinar
The webinar focused on what government agencies had to do to acquire properties located in the flood plain if substantial damage occurred on the property.
- Attended a virtual Association of Flood Plain Manager (ASPM) conference
The three day conference covered various topics related to flood control, storm water control and flood plain management.
- Attended a FEMA Hazard Mitigation webinar
The webinar focused on preparing for catastrophic events and what to do when the events occurred.
- Attended a FEMA National Flood Insurance Program (NFIP) webinar
The webinar focused on updates to the NFIP insurance program.

June

- Attended the Small Town and Rural Development Conference in Thompsonville
The conference and related activities provided multiple opportunities and sessions to see how rural communities were working on enhancing their communities.
- Attended a FEMA Planning for Climate Resilient Communities webinar
The webinar focused on what activities and processes that could be put in place to become a climate-resilient community.

July

- Attended the MSHDA Listening Tour in Marquette
The sessions were oriented toward topics related to affordable housing and affordable housing locations.

August

No activities

September

No activities

October

- Attended the Michigan Recycling Coalition seminar in Escanaba
The seminar focused on community recycling funding, locations, destinations, and other recycling possibilities within the Upper Peninsula.



- Attended the EGLE Recycling Event in Gaylord
The conference focused on community recycling funding, locations, destinations, and other recycling possibilities.

November

- Attended the EGLE Material Management Tools and Resources webinar
The webinar focused on the upcoming EGLE Material Management Plan requirements and the information necessary to complete the plan.

December

- Attended the Coastal Communities Academy training session in Escanaba
The training session focused on coastal community ordinances and resources related to Great Lakes coastal communities.
- Attended the EGLE Catalyst Communities webinar
The webinar focused on the toolkit and related resources to become a Catalyst Community.

Planning Commission Conditional Use Permits

Application Number	Applicant	Status	Comments
CU 23-11	JX Trucking	Approved	Sale of truck parts, truck sales, truck repair
CU 23-19	Ryan and Jessica Elliston	Approved	Residential use for property located in the Industrial zoning district

Planning Commission Site Plan Reviews

Application Number	Applicant	Status	Comments
SR 23-04	Iron Workers	Approved	Iron Workers training center
SR 23-12	JX Trucking	Approved	Trucking center

Township Plans and Ordinances

Plan / Ordinance	Type	Status	Comments
Township zoning ordinance	Update	Approved	Added <i>Single Family Residential</i> and <i>Registered Rentals</i> to the Industrial zoning district as conditional uses





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.E Joint Meeting Considerations

Suggested Motion

_____ moved, and _____ seconded

that the following items be presented to the Township Board for consideration at the joint meeting in February:

[listed items]



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: Joint Meeting Considerations

Meeting: Planning Commission Meeting

Date: January 22, 2024

Issue Summary

Discussion regarding possible topics for the joint meeting with the Township Board

Background

In February, the Planning Commission will participate in a joint meeting with the Township Board. This participation is generally centered on priorities assigned to the Planning Commission and a report of progress on those priorities to the Board.

The non-conformances in the Agriculture / Forestry (AF) zoning district, the rewrite of the Township Zoning Ordinances, and consideration of accessory dwelling units were priorities assigned at the joint meetings in 2023.

Staff Recommendations for Commissioner Discussion

Staff is asking the Commissioners to prepare questions, comments and concerns that will be presented at the joint meeting regarding the Board-assigned priorities.

Commissioners are asked to respond to the following questions, with the intent of presenting this information to the Board for consideration:

- 1) What roadblocks prevent the Planning Commission from completing the priorities assigned by the Board?
- 2) What concerns do you have as a Commissioner that should be addressed at the joint meeting?
- 3) What additional items or questions do you want the Board to consider during the joint meeting?

Author: Dale Throenle
Date: January 9, 2024



December 11, 2023

The regular meeting of the Chocolay Township Board was held on Monday, December 11, 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, Ben Zyburt, David Lynch, Judy White, Don Rhein

ABSENT: Max Engle (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

Rhein moved, White supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT

Ann LaChance, 1891 M-28 East – came back to Board to report the truck traffic that she was concerned about at the November meeting has not calmed down – still lots of trucks coming from the west and leaving towards the west.

Stephanie Gencheff, 597 Lakewood Lane – speaking on behalf of the League of Women Voters commended Chocolay Township (with Joe Neumann in particular) as being extremely helpful on the battery recycling program.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting November 13, 2023.
- B. Approve Revenue and Expenditure Reports – November 2023.
- C. Approve Bills Payable, Check Register Reports – November 14, 2023 (Check #26475 – 26496, in the amount of \$120,032.73) and November 28, 2023 (Check # 26497 – 26519, in the amount of \$31,894.76).
- D. Approve Bills Payable – Regular Payroll of November 9, 2023 (Check #'s DD3713 – DD3749 and Check #'s 11435 – 11440, Federal, State, and MERS in the amount of \$47,643.55) and Regular Payroll of November 23, 2023 (Check #'s DD3750 – DD3777 and Check #'s 11441 – 11446, Federal State, and MERS in the amount of \$47,185.82).

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

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen reported that he had attended the Townhall Meeting at Marquette Township with our representatives concerning renewable energy passed by the State Legislature

– wind and solar. There is a lot of angst and concern about how this will affect us. As utility grade facilities, they require large pieces of land of 600 acres or greater. In Chocolay Township, there are very few options – State land or privately owned where the landowners would have to accept the project. Bohjanen feels we need to take a look at our ordinances concerning wind and solar energy.

CLERK’S REPORT - NONE

TREASURER’S REPORT - NONE

PUBLIC HEARING – NONE

PRESENTATIONS – NONE

FY 2024 ANNUAL BUDGET

Lynch moved, Zyburt supported to approve the 2024 Fee Schedule as presented.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

MOTION CARRIED

CHARTER TOWNSHIP OF CHOCOLAY

FISCAL YEAR 2024

GENERAL FUND BUDGET, ROAD FUND

FIRE DEPARTMENT MILLAGE FUND LIQUOR LAW ENFORCEMENT FUND

LIBRARY MILLAGE FUND

CAPITAL IMPROVEMENTS FUND AND SEWER FUND

BUDGETS

HEREBY CERTIFY THAT THE FISCAL YEAR 2024 BUDGETS
WERE ADOPTED BY THE CHOCOLAY TOWNSHIP BOARD
ON DECEMBER 11, 2023

MAX L. ENGLE, TOWNSHIP CLERK

GENERAL APPROPRIATIONS ACT

Lynch moved, Rhein supported, that

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1, 2024, and ending December 31, 2024, to the Township Board for its consideration; and

Whereas, notice of the public hearing on the budget was published in the Mining Journal, a newspaper of general circulation within the Township, on October 10, 2023; and

Whereas, a public hearing was held on the proposed budget on November 13, 2023 at Chocolay Township Fire Hall, and a copy of the proposed budget was on file and available for public inspection during regular office hours at the office of the Township Clerk for a period of not less than one week prior to the public hearing:

Now Therefore Be It Resolved:

1. The Township Board adopts the budget as revised and according to designated accounts for the next fiscal year, to wit, beginning January 1, 2024, and ending on December 31, 2024, in the amount of \$2,694,604.00 for the General Fund, in the amount of \$409,459.00 in the Road Fund, in the amount of \$1,300.00 in the Drug Law Enforcement Fund, in the amount of \$242,500.00 in the Library Millage Fund, in the amount of \$805,248.00 in the Capital Improvements Fund, and in the amount of \$602,740.00 for the Sewer Fund.
2. The Township Board does hereby appropriate the sum of \$2,581,789.00 for the general operating expenses (\$2,233,809.00) and capital improvements (\$347,980.00) of the Township to be used for the fiscal year beginning January 1, 2024 and ending December 31, 2024.
3. The Township Board does hereby appropriate the sum of \$811,517.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1, 2024 and ending December 31, 2024.
4. The Township Board does hereby appropriate the sum of \$426,000.00 for the repairing of the Township Roads to be used for the fiscal year beginning January 1, 2024 and ending December 31, 2024.
5. The Township Board does hereby appropriate the sum of \$1,300.00 for the Drug Law Enforcement Fund for the fiscal year beginning January 1, 2024 and ending December 31, 2024.
6. The Township Board does hereby appropriate the sum of \$242,500.00 for contractual services with the Peter White Public Library for the fiscal year beginning January 1, 2024 and ending December 31, 2024.

7. The Township Board does hereby levy 3.5400 mills for general operations; extra voted is 0.9730 mills for library, 1.6429 mills for roads.
8. All resolutions and parts of resolutions in so far as they conflict with any provisions of this resolution are rescinded.
9. The budget adoption and appropriation resolution shall now and hereafter also be known as the General Appropriations Act conforming to Public Act No. 621 of 1978, the Michigan Uniform Budgeting Act.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

RESOLUTION APPROVED

RESOLUTION FOR OFFICER' SALARIES

SUPERVISOR'S SALARY

Zyburt moved, supported by Lynch, that the salary for the office of Supervisor shall be set in the amount of \$13,434.30 for the Fiscal Year 2024, which begins January 1, 2024 and ends December 31, 2024.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt

NAYS: Bohjanen

ABSENT: Engle, Symbal

MOTION CARRIED

TREASURER'S SALARY

Rhein moved, supported by Lynch, that the salary for the office of Treasurer shall be set in the amount of \$13,434.30 for the Fiscal Year 2024, which begins January 1, 2024 and ends December 31, 2024.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

MOTION CARRIED

CLERK'S SALARY

Zyburt moved, supported by Lynch, that the salary for the office of Clerk shall be set in the amount of \$13,434.30 for the Fiscal Year 2024, which begins January 1, 2024 and ends December 31, 2024.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

MOTION CARRIED

TRUSTEE’S PER DIEM

Zyburt moved, supported by Lynch, that the per diem for the office of Trustee shall be set in the amount of \$80.73 per meeting for the Fiscal Year 2024, which begins January 1, 2024 and ends December 31, 2024.

ROLL CALL VOTE

AYES: Lynch, Zyburt, Bohjanen

NAYS: Rhein, White

ABSENT: Engle, Symbal

MOTION CARRIED

RESOLUTION NO. 2024 – 1

December 11, 2023

**RESOLUTION TO ADOPT 80% / 20%, EMPLOYER / EMPLOYEE HEALTH CARE COST OPTION
AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE
CONTRIBUTION ACT**

White moved, Zyburt supported that:

WHEREAS, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirement of the Act;

WHEREAS, the three options are as follow:

1. Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined by the Act;
2. Section 4 – “80% / 20%” Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
3. Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Township Board has decided to adopt the 80% / 20% option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Chocolay elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the 80% / 20% option for the medical benefit plan coverage year January 1, 2024 through December 31, 2024.

Upon a Roll Call Vote, the vote was as follows:

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

CONSIDER FY 2023 BUDGET ADJUSTMENTS TO START YEAR END CLOSURE

General Fund Budget Amendment #8
Distribution of Funds – Reimbursement from State of Michigan – Prepaid Postage Associated with May 2, 2023

Meeting: July Board Meeting

Date: December 11, 2023

Lynch moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
Miscellaneous			
101.000.698	\$ 94,042.00	\$ 2,044.00	\$ 96,086.00
EXPENDITURE			
ELECTION			
Postage			
101.190.729	\$ 4,774.00	\$ 2,044.00	\$ 6,818.00

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

MOTION CARRIED

CONSIDER MERS 457 ADDITION TO THE TOWNSHIP MERS CONTRACT

Zyburt moved, White supported that the Township Board empower the Township Manager to sign the MERS Uniform 457 Supplemental Retirement Program Resolution and the MERS 457 Participation Agreement to implement and administer an additional 457 Plan as an optional benefit for the employees of Chocolay Township.

ROLL CALL VOTE

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: None

ABSENT: Engle, Symbal

MOTION CARRIED

CONSIDER THE FINAL EASEMENT AGREEMENT WITH KBIC FOR THE SEWER EXTENSION FROM THE KBIC PROPERTIES TO THE M-28 CONNECTION

Zyburt moved, Lynch supported to empower the Township Supervisor and the Township Clerk to sign the Contract Documents with the KBIC reflecting the responsibilities of operations of the public sewer expansion to the KBIC Casino.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Bohjanen

NAYS: White

ABSENT: Engle, Symbal

MOTION CARRIED

CONSIDER 2024 TOWNSHIP OFFICE HOLIDAY CLOSURE DATES

White moved, Lynch supported to approve the proposed Township Office Closure dates in recognition of major holidays within the calendar year of 2024.

MOTION CARRIED

CONSIDER 2024 BOARDS AND COMMISSIONS MEETING DATES

White moved, Lynch supported to approve the proposed Township Board Meeting Schedule for calendar year 2024.

MOTION CARRIED

CONSIDER 2024 BOARDS AND COMMISSIONS APPOINTMENTS

Lynch moved, Zyburt supported to approve the appointments presented by Supervisor Bohjanen and listed on the "Boards, Committees, Commissions – 2024" worksheet within the packet.

MOTION CARRIED

MANAGER UPDATE OF WORK PLAN AND CORPORATE STATUS

Manager De Groot indicated that we are in the process of closing our fiscal year, and there will be more Budget Amendments coming in January. Hoping to have a tentative close in mid-January, with information being pulled together for our auditors.

Work Plan – working with staff to complete a work plan for 2024. This is the largest grant opportunity budget, with lots of recreational opportunities. We should know more about Federal grants soon and State grants in the summer.

With the passage of the State budget, there was a direct allocation of \$150,000 to Chocolay Township. This will be used to purchase radios for the Fire Department and Police Department.

Staff has been asked to complete a capital purchase worksheet. This will enable us to be able to set up replacement schedules and look at long term needs.

White asked about "Chocolay Corner". De Groot will look into this. De Groot indicated that there is quite a bit of movement going on. There is a lot of money that is coming into Marquette County

from the West Coast. A site plan will be going to the Planning Commission at their December meeting (Dollar General). The Planning Commission is also looking at reviewing maps from the information gathered at the Town Hall meetings. Should have a recommendation to the Board in the next three – four months.

BOARD MEMBER COMMENTS

Don Rhein – wished everyone a Merry Christmas and Happy New Year.

Kendra Symbal – Absent

Judy White – None

Dave Lynch – wished everyone a Merry Christmas and Happy New Year.

Ben Zyburt – None

Max Engle – Absent

Richard Bohjanen – None

PUBLIC COMMENT - NONE

Lynch moved, Zyburt supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:06 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; November 20, 2023, Draft.
- B. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of October 18, 2023, Draft.
- C. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of November 7, 2023, Draft.
- D. Minutes – Marquette County Solid Waste Management Authority, Work Session of November 29, 2023, Draft.
- E. Information – Chocolay Township Newsletter – November 2023.

Max Engle, Clerk

Richard Bohjanen, Supervisor

CHOCOLAY TOWNSHIP NEWSLETTER

December 2023

DEPARTMENT REPORTS

Assessing

By John Gehres

The December Board of Review was held on Tuesday December 12th at 10 a.m. covering clerical errors and mutual mistakes of fact. We had 5 total petitions on two properties. 1 was a poverty exemption and the other an uncapping issue.

I continue to work on the sales and e.c.f. analysis. For the second year in a row the Consumer Price Index is at the proposal A limit of 5% which will be applied to all taxable values in the township. The assessed values will be taking a larger jump than last year as the lag time has caught up with Equalizations new studies.

Clerk

By Lisa Perry

The Clerk's office is busy getting ready for the Presidential Primary Election that will be held on Tuesday, February 27, 2024.

Letters went out regarding the changes in voting with the passage of Proposal 22-2 in November 2022. If you are on the Absentee Ballot APPLICATION list, you do not have to do anything unless you want to be put on the PERMANENT BALLOT list. If you want to change to the permanent ballot list, please mark the appropriate box on the application you will be receiving in early January. By doing so, you will no longer receive an application prior to an election, you will just automatically receive your ballot.

Absentee ballot applications will be going out early January 2024 for the Presidential Primary, I have contacted many "snowbirds" to check their

mailing addresses, if I have not reached out to you and you have a different address for the winter, please let me know (I may have left you a message). The Post Office will not forward election mail and it will be returned to the Township. This helps keep mailing costs down. 2024 is going to be a busy election year so please check your voter registration if you are not sure where you vote, you can do so by going to the Michigan Secretary of State website at <https://mvsic.sos.state.mi.us/>

As always, if you have questions, you can call the Township office and I will be glad to help you with any elections questions you may have.

Fire Department

By Lee Gould

2023 was a good year for the fire department. We ended the year at 108 calls for service. This is lower than the past few years. We didn't have any storm related calls this year so that is most likely the cause of the lower call volume. Everything cycles so I am expecting things to turn around in 2024.

We took delivery of our new fire engine this past year. It was 3 years of hard work by the department developing a specification that would meet the growing needs of our township. The truck was delivered last winter and put into service in the spring after extensive training on the new truck. Our former truck was 23 years old and technology changed for the better on the truck systems. We sold our former truck to Wells Township in southern Marquette County. We are excited about the future with this new truck as to date it is exactly what we hoped for.



Newer and younger fire department staff continue to develop and are taking additional roles on the department. This is important to the future sustainability of our department by developing that younger core staff into proven leaders.

With the help of the township grants planner Joe Nuemann, the fire department has been successful in several grants this past year. We are excited to continue searching and writing grants.

2024 is going to be a good year as we continue to grow as a department and township.

Public Works

By Brad Johnson

I was contacted by the Marquette County Landfill, and they wanted to thank us for being a large contributor to the glass recycling program and that we have the cleanest glass that they receive.

The Christmas tree drop off will open on December 26 and end at the end of January 2024.

Planning / Zoning

By Dale Throenle

Planning Commission

The Planning Commissioners participated in a regular meeting on December 18 in the Township Fire Hall.

There were four items on the agenda, and the Commissioners decided to do new business prior to unfinished business:

New Business

1) Preliminary Site Plan Review - Dollar General Store # 30520

Commissioners discussed the preliminary site plan for a proposed Dollar General store that will be located at 4050 US 41 South, the former site of the St. James the Lesser Episcopal Church. Commissioners suggested minor changes to the applicant. The applicant will be bringing the formal

site plan back to the Planning Commission at a future meeting.

2) Proposed 2024 Planning Commission Meeting Dates

Commissioners discussed the planning commission dates for 2024. The Commissioners changed the dates for two of the scheduled meetings – from January 15 to January 22 and November 18 to November 25.

Unfinished Business

1) Proposed Zoning Ordinance Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Commissioners discussed the proposed zoning ordinance language for the AG 1, AG 2, and AG 3 zoning districts.

Commissioners made minor changes and recommended the language be put forward into a public hearing at a future meeting.

2) Proposed Zoning Map for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Commissioners discussed the proposed zoning district locations for the AG 1, AG 2, and AG 3 zoning districts.

Commissioners made changes, and will review the proposed mapping again at the January meeting.

The next Planning Commission meeting is scheduled for **January 22 at 6 PM** in the Township Fire Hall.

Zoning Board of Appeals

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



Police

By Liz Norris-Harr

This month Chocoley Police Dept partnered with another township business and put together 20 ham dinners complete with all the fixings. These dinners were distributed throughout the township to families as well as to the women's center for their THS families.

December 15th- January 1st the department was granted 50 hours from the State of Michigan for impaired driving. Each Officer will do 1-2 extra shifts to fulfill these hours over the holidays.

Also, this month, Officers Mitchell and Harvala have successfully completed their field training and are now able to work on their own. We are very proud of them and their accomplishments in 2023. We look forward to seeing what they bring to the department and community.

On December 15th the Chocoley Township Police and Chocoley Township Fire faced off ringing the Salvation Army bell at Lofaros. We want to thank the community for all of their support for this event. It was very successful.

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	6.5	12	6.5	5	5.5	3	4.5
Pounds Year To-Date	5.5	9.5	18	25	27.5	34	46	52.5	57.5	63	66	70.5

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 Lein 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	Expired	23-14 Miller request 4-25-23	Election Materials	Yehuda	Miller
23-15	5/3/2023	5/9/2023					5/8/2023	23-15 Nicole Borzek-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
23-18	6/6/2023	6/13/2023					6/6/2023	23-18 Holm 6-6-23	Police Reports dog bite	Cathy	Holm
23-19	6/13/2023	6/19/2023					6/19/2023	23-19 Harry 6-13-23	Police Reports	Susan	Harry
23-20	6/22/2023	6/28/2023					6/27/2023	23-20 Roose 6-22-23	Police Reports	Erica	Roose
23-21	6/27/2023	7/3/2023	6/27/2023	8/24/2023			cancelled	23-21 Miller 6-27-23	Election Materials	Yehuda	Miller
23-22	7/13/2023	7/19/2023					7/14/2023	23-22 Johnson 7-13-23	Police Reports	Brad	Johnson
23-23	7/21/2023	7/27/2023					7/24/2023	23-23 Mulcahey 7-21-23	Rental Registrations	Deborah	Mulcahey
23-24	7/24/2023	7/31/2023					7/27/2023	23-24 Barnes and Thornburg, LLP 7-24-23	Fire Report	Barnes & Thornburg, LLP	
23-25	8/9/2023	8/16/2023					8/9/2023	23-25 Miller 2020-2025 Elections Request 8-9-23	Election Materials	Yehuda	Miller
23-26	8/16/2023	8/22/2023					8/17/2023	23-26 Soucy 08-16-23	Police Reports	Emily	Soucy
23-27	10/4/2023	10/10/2023					10/10/2023	23-27 Brugman 10-04-23	Police Reports	James	Brugman
23-28	10/17/2023	10/23/2023					10/20/2023	23-28 Mulcahey 10-17-23	FOIA documentation	Deborah	Mulcahey
23-29	10/19/2023	10/25/2023					10/23/2023	23-29 Reynolds 10-19-23	Police Reports	Brenda	Reynolds
23-30	10/19/2023	10/25/2023					11/8/2023	23-30 Mulcahey 10-19-23	Zoning Permits	Deborah	Mulcahey
23-31	10/24/2023	10/30/2023					10/23/2023	23-31 Mulcahey 10-24-23	Police Reports	Deborah	Mulcahey
23-32	11/14/2023	11/20/2023					11/17/2023	23-32 Mulcahey 11-14-23	Property Information	Deborah	Mulcahey
23-33	11/28/2023	12/5/2023					11/28/2023	23-33 Nyeste 11-28-23	Payer contracts	Annie	
23-34	11/30/2023	12/8/2023					12/1/2023	23-34 Mulcahey 12-1-23	Charter	Deborah	Mulcahey
23-35	12/5/2023	12/11/2023	12/21/2023	2/29/2024	12/06/2023	12/27/2023		23-35 Mulcahey 12-4-23	Police Information	Deborah	Mulcahey
23-36	12/28/2023	1/6/2024						23-36 Metropolitan Reporting Bureau 12-28-23	Fire Report	Metropolitan Reporting Bureau	



Web Page Statistics

Starting November 2023, web page statistics will have a new format. The categories that will be reported are the number of sessions (single user visitor to the website), number of page views (number of pages visited), and top ten pages visited.

Sessions and Page Views

No statistics are available for December. Statistics reporting will resume in January.

Zoning Permit Counts

Zoning permit counts through December, 2023:

2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
Month	Number of Permits	Permit Type	Approved Number	Denied Number
January	0	Addition	5	0
February	0	Alteration	0	0
March	6	Commercial Outbuilding	0	0
April	11	Conditional Use	2	0
May	11	Deck	3	0
June	9	Fence	18	0
July	15	Garage	7	0
August	6	Grading	0	0
September	9	Home	4	0
October	6	Home / Garage	2	0
November	2	Home Occupation	1	0
December	0	New Commercial	1	0
		Outbuilding	20	0
		Pole Building	2	0
		Rezoning Application	1	0
		Sign	7	0
		Site Plan Review	2	0
		Zoning Variance Request	0	0
Total	75	Total	75	0



OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION November 14th, 2023

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, November 14th, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, Vice-Chair N. Williams, M. Rayner, D. Fetter, A. Andres, Chair S. Mittlefehldt.

PC members absent: C. Gottlieb, S. Lawry (all excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by K. Clegg, seconded by A. Andres, and carried 6-0 to approve the agenda as presented.

MINUTES

The minutes of 10-03-23 were approved as presented, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 07-SUP-11-23 – 1015 W. Baraga Ave. (PIN: 0910010 - Special Land Use Permits for Vehicle Repair and Service and for an Outdoor Permanent Retail Business use.

Chair Mittlefehldt explained, for the benefit of people in attendance, how the process for the public hearing would progress, and then asked staff to proceed with providing the case information.

Zoning Official A. Landers stated:

Attached to the agenda is the staff report, which includes the memo, all the zoning district standards, and pointed out that these are Special Land Use Standards within the General Commercial zoning district, and all of the 54.627 Major Vehicle Repair and Maintenance Operation requirements, all the Special Land Use and Site Plan Review requirements. She also read the background, stating that on November 1, 2023, staff approved an administrative site plan for them to start building a building for retail use and Light Vehicle Display use. She stated that the applicant is aware that they are only approved for those uses, and application for a Special Land Use request for Vehicle Repair and Service use, and Outdoor Permanent Retail Business use, does not guarantee that it will be approved by the Planning Commission. So, they wanted to go ahead with the administrative review and then go through with this process.

She showed on wall monitors the Special Land Use application, Site Plan Review application along with their narrative response to section 54.626, their site plan review application, staff comments and the applicant's responses to those comments, area and block maps, photos of the site, the site plans, and she said that no correspondence was received. She also said that Brian Savolainen is here representing the applicant.

Mr. Brian Savolainen, representing the applicant as a consulting engineer, stated:

His understanding is that what they are talking about with vehicle maintenance and repair has nothing to do with engine work. There are no oils or gases, its strictly more like body work on their own Airstream RVs, but I understand they are licensed to do work on other RVs that are not Airstream. So, they would

like the ability to do that within the shop and that is what the Special Land Use request is for. If during questions I can help out I will try to answer any questions that you have.

S. Mittlefehldt opened the public hearing. Nobody provided comments. S. Mittlefehldt closed the public hearing.

It was moved by M. Rayner, seconded by K. Clegg, and carried 6-0 to suspend the rules for discussion.

M. Rayner stated: I think this is a nice use of that piece of land.

K. Clegg stated:

I have a question for City staff. On page 59, snow storage is listed as 1,200 square feet and it's shown on the side yard setback. I just wanted confirmation that that is a high enough number and that it is fine for them to be within the setback.

A. Landers stated:

Yes, they meet the ten percent [of parking lot area] required, and yes they are allowed to put it in the setback areas - and it is supposed to be in a landscaped area and they are showing that is a landscaped area.

K. Clegg stated: Alright, thanks.

S. Mittlefehldt asked if anyone else had comments or questions.

S. Mittlefehldt stated that she had a question for Mr. Savolainen, and stated:

I understand that there's not engine work, so Scott Cambensy's concerns about oil and grease may not be as relevant, but what about brake fluid and chemicals used to clean the bodies of vehicles. Can you tell us how those materials and chemicals are going to be managed onsite?

Mr. Savolainen stated:

It's my understanding that there are no chemicals that would require that, and going through the building permit that would have to be addressed also with the County.

A. Landers stated:

They did state that [reading from the applicant's comments in the Staff Report] "The extent of the repairs for the proposed dealership's vehicle repair and service will be limited to brakes, water - hot and cold lines, body work, and general 'towable' RV repairs. No oil changes, no mechanical dry-line work, no fluids that would require oil/water separator. Airstream will be 'RV Certified'."

S. Mittlefehldt stated: Okay. Well, brake fluid is toxic, there is glycol in it.

Mr. Savolainen stated:

That wouldn't be when you're changing the brakes, and any type of thing like that is going to be a spill on a hard surface and you clean it up, but that wouldn't be something that would require that. If it does the County will say you have to have that.

S. Mittlefehldt stated: So, the Building Code would come in on something like that?

D. Stensaas stated:

I'm sure they're going to have solvents and stuff like that, but I don't know that anyone oversees how those are disposed of. But they are hazardous wastes and are commonly known as hazardous, and I would think they would be following guidelines for disposing of it properly.

Mr. Savolainen stated:

Yeah, it would be like someone working on changing their brakes in their driveway or their garage.

S. Mittlefehldt stated: I was just wondering if there was a plan in place.

Mr. Savolainen stated:

Yeah, I know it was discussed, whether it would need to be there, because those questions were asked of the ownership and they don't do that in other facilities. They haven't had to do that. If that's a condition to verify that, I don't think there's any problem with that.

S. Mittlefehldt stated:

Does anyone else have any other questions? In Article 54.1402, in section 10 on nuisances, one of the things the Planning Commission should do is determine if there are any potential nuisances or public health and safety issues that this might raise for people?

D. Stensaas stated:

I will just mention that whenever we have a Special Land Use hearing, you should go through each of the fourteen items.

S. Mittlefehldt stated: Each single one? Because that was one that really stuck out.

D. Stensaas stated:

With some of the requests we get it's not as important as others, but just to have the practice, you do it for one, do it for all.

S. Mittlefehldt stated: For each of the Special Land Use standards? Okay.

D. Stensaas stated:

And there are two Special Land Use Permit requests here, one is for Vehicle Repair and Service and the other is for a Permanent Outdoor Retail Business, which is kind of unusual because most retail businesses don't have stuff displayed year-round outside, but this one is going to. And, so you can consider both of those as you go through the items 1 through 14, you don't have to do them separately. You'll get into the nuisance issues there and that's why I brought it up.

S. Mittlefehldt stated:

Yeah, that was the only one, everything else looked to me, judging the comments, had met pretty clearly and that was the only one I was going to bring up, but we can go through them.

D. Stensaas stated:

And one of the nuisance issue that I would think might come up with this kind of business, having things parked outside all year round near the highway, is glare from the vehicles. But we did provide the site plans to our local Michigan Dept. of Transportation service center and they actually reviewed it this morning in our Corridor Advisory Committee meeting and they didn't have any concerns with it. But that is the only thing that popped into my mind for this kind of business, the glare of the shiny, silvery vehicles.

S. Mittlefehldt stated: Okay, we can go through the section 54.1403 standards.

The Planning Commission went through each one of the fourteen standards in section 54.1403 of the Land Development Code one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Mittlefehldt stated:

It sounds like we don't have any major concerns, so does anybody want to make a motion or is there any further discussion on this?

I just wanted to address the glare issue, which is a good question. We tried to lift that building as high as we can, just to get a good view from Highway 41, but its actually fourteen feet below the highway, so headlights can't hit and bounce of the vehicles. And the display area is more to the west and the building covers a lot of the area as well, so that shouldn't really be a concern.

K. Clegg stated:

Also, we can't forget that these trailers are on the road every day, so if they were a super shining hazard they wouldn't be on the road and licensed.

D. Fetter stated: Is the trailer display area on grass, gravel, or pavement?

Mr. Savolainen stated: It's on pavement.

It was moved by K. Clegg, seconded by M. Rayner, and carried 6-0 that after holding a public hearing and review of the site plan set dated October 23, 2023, with supplemental documentation and the Staff Report/Analysis for 07-SUP-11-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Vehicle Repair and Service use Standards in Section 54.627, and hereby approves 07-SUP-11-23 with the following condition - that an amended plan is submitted to meet staff comments.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

NEW BUSINESS

A. Planning Commission 2024 Meeting Dates

It was moved by M. Rayner, seconded by A. Andrea, and carried 6-0 to adopt the meeting dates as presented.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

TRAINING

A. Article "*Michigan's Path to Prosperity*" (Michigan Planner, Sept./October 2023)

The Planning Commission and staff briefly discussed the article.

COMMISSION AND STAFF COMMENTS

W. Premeau stated:

I'd like to get some things out of the Code. Cost is a big item today, that's why a lot of things aren't happening, and there is stuff in the Code since the 1970s. For example, we've talked about 4-unit buildings, apartments, on a 50 ft. lot. That's fine, but we can't have that with the greenspace requirements that we have. Another one is the landscaping requirements. At the last meeting we had a site plan they were missing one deciduous tree. This plan has them sticking all their trees in one hole up front, and that is a very costly item. We have plenty of trees - go up to Marquette Mountain and look at Marquette and see if we need to make people spend thousands of dollars for more plants. The other one

that is costly is the dumpster enclosures. The way they're interpreting it is they all have to be huge, high-dollar masonry structures, when you can enclose a dumpster quite simply with a piece of fence. If we want to really fit more people in a smaller area we also need to look a little bit at the heights. What has driven the cost of houses almost to the point where people almost can't afford them is the state of Michigan building code. Their requirements add \$60,000 more to a house and we've got to stop pounding people with requirements and use a little common sense, maybe just once or for a year, but we've got to try something.

K. Clegg stated that he is on board with infilling and making taller structures. And single-family zoning, you're talking about multi-family and its hard to get one in town and we have a housing problem in the City, and you want to build more and I'm with you and lets make it happen when its time to update our Code.

A. Andres said that it was good to be back.

S. Mittlefehldt stated:

If you've been following the legislation around clean energy in Michigan, there is a proposal that will have Michigan using 100-percent renewable energy by 2040, which I think is, aside from California, the most ambitious energy plan in the country. But there is concern with the way the bill is structured that would take away local decision-making authority. And there is a meeting tomorrow night at Marquette Township hall at 6:00 p.m. about that, hosted by Senator McBroom, specifically about the way the bill is structured that puts a lot of state resources and investments in large solar and wind projects and there's some concern that local authorities like Planning Commissions and City Commissions will somehow not be involved. It will be an interesting conversation and I'm hoping to go tomorrow night and hear what the concerns are. I've found that, as I'm involved with the Climate Neutrality Task Force for Northern, that our plan is not that ambitious because there just isn't a lot that local jurisdictions hands are tied and there's not a lot they can do. The City of Marquette or the BLP is not going to have a lot of money to throw at this, so I do think state involvement is appropriate given the limited resources that a lot of local entities have, but it will be interesting to see how that balance of power between local and state governance plays out. It might affect us in terms of our solar ordinance and wind, but it will definitely affect the Board of Light and Power.

D. Stensaas said that on Monday the 27th, Sarah will present the Planning Commission's annual report to the City Commission, and you can attend if you like, but only the presenter is required to attend. The draft presentation was put on the monitors and the Planning Commission and staff discussed the content and made a couple of adjustments.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:00 p.m.



Prepared by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION December 19th, 2023

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, December 19th, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, C. Gottlieb, S. Lawry, M. Rayner, A. Andres, Chair S. Mittlefehldt.

PC members absent: D. Fetter, Vice-Chair N. Williams (both excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by C. Gottlieb, seconded by M. Rayner, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 11-14-23 were approved with a noted correction to be made, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 08-SUP-11-23 – 1917 Enterprise St. (PIN: 0810061): Special Land Use Permit for Marijuana Grower Class C

Chair S. Mittlefehldt explained, for the benefit of people in attendance, how the process for the public hearing would progress, and then asked staff to proceed with providing the case information.

Zoning Official A. Landers stated:

Staff has reviewed the Special Land Use permit for a Marihuana Grower – Class C located at 1917 Enterprise Street. Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments. They are currently an approved Marihuana Grower – Class B, which means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments. Attached to the agenda is the staff report, the Special Land Use application submitted by the applicant, their required narrative answering the requirements in the Code for this request, their Notice of Determination for Prequalification Letter, their business location plan, their site plan review application, staff comments, their responses to the staff comments, the area and block maps with the parcel outlined in blue, photos of the site, and the site plan. We did not receive any correspondence prior to the agenda being posted or prior to today's deadline.

S. Mittlefehldt asked if the applicant wished to speak.

Mr. Matt Treado said that he is representing the applicant as the engineer and a minority owner for the project, and also stated:

Basically, we are at a point in our operations where we are ready to expand the amount of plants we have in the facility. Unfortunately, the state doesn't have a 1,000 plant license option, so we have to go all the way from 500 to 2,000, but the overall use of the space is going to change only slightly with trying to maximize the efficiency of the grow process just to make sure that we stay financially competitive in an increasingly challenging market. And so, there's not really any changes from our previous application

that was approved by the Planning Commission back in 2021. So not really any changes to the site or the building, just some minor changes to how we're orienting the plants within the space, and trying to increase our overall efficiencies within the space.

S. Mittlefehldt asked if any members had questions for the applicant.

W. Premeau stated:

One thing, the floor should be 6 inches thick. We built that building for Brumm in the early '70s.

Mr. Treado stated:

Yeah, it's a very well-built building. It has certainly served our purposes well. You know, we picked the site for its industrial zoning, where it's located and our neighbors and wanted to make sure it made sense and certainly, we've been very happy with the building we selected.

S. Mittlefehldt opened the public hearing. Nobody provided comments. S. Mittlefehldt closed the public hearing.

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

S. Lawry asked [directed to staff]:

Is it a City requirement that they submit all of their security planning in the packet and make it part of the public record?

A. Landers stated:

That is part of the state requirements, I'm sure that [inaudible]...so they wanted to give you guys all the information that they had.

S. Lawry stated: It just seems like if you're going to have a security plan you don't really want to make it part of the public record.

Mr. Treado stated: Fair comment.

S. Mittlefehldt asked the members if there were any other questions or comments. She then stated that the Planning Commission would go through each of the Special Land Use standards in Section 54.1403.

The Planning Commission went through each one of the fourteen standards in section 54.1403 of the Land Development Code one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Mittlefehldt stated:

Okay, is there any further discussion on this or does anyone want to make a motion?

W. Premeau stated:

I've got a question. Look at [sheet] C-100 and the dumpster enclosure. It's all masonry, but I don't think it exists, right?

Mr. Treado stated:

That was an oversight on our part and we've had follow-up inspections by the City, who did notice that and bring to our attention that we were lacking some landscaping. They sent us a formal letter and we did the landscaping, and it wasn't until we resubmitted that we were informed that we needed a dumpster enclosure that we still needed to move forward with, and so to meet the requirements of zoning we still have to put that in and it is our full intent for us to meet that requirement, now that we've been reminded that needs to be done.

A. Landers stated [directed to Mr. Treado]:

To add to this, you submitted the same plans basically that you submitted for the Class B, which had that dumpster enclosure, but as I said [to Mr. Premeau] they can choose from the list, you don't have to do masonry, vinyl was an option as well.

W. Premeau stated:

Well, I was curious why – it's a very expensive dumpster enclosure and its behind the building and its also hidden by the two big units you've got there. So really it's a lot of money...

Mr. Treado interjected: Can the Planning Commission approve a change?

A. Landers stated:

If he says that you can change it to any of the other approved materials then yes you can.

Mr. Treado interjected: That's fantastic.

A. Landers stated:

That's why I brought it up in there [staff comments] to see if you wanted to change it or not.

W. Premeau stated:

Well, I'm not trying to save him money. I'm just saying it's very costly for all the businesses that are trying to do something in Marquette. And I don't understand but they all seem to pick the masonry option.

Mr. Treado stated:

I know a lot of it has to do with standard details and sometimes as an engineer you get tunnel vision and if you know that standard detail worked last time you'll slap it on the next one...as opposed to stepping back and evaluating what all your real options are, and this is a good example of that. So, thank you, Wayne.

W. Premeau stated: I'm just saying this is an industrial site.

S. Mittlefehldt stated:

I have a question about marijuana waste...I'm kind of curious about what kind of waste is produced in this process?

Mr. Treado stated:

So, we have stalks that will be ground up and have to be put into a lockable dumpster, and the CRA follows up and monitors the process that you're following specific to that. And that prevents people from coming in and trying to steal marijuana waste, even though its pretty much useless at that point.

S. Mittlefehldt stated: So, it's mostly just organic matter?

Mr. Treado stated:

Yep, its mostly just stems and stuff that has no value, and they get ground up in a big industrial grinder, put in a bag and then in a lockable dumpster.

S. Mittlefehldt stated:

Okay, thanks. Are there any other questions or Commission discussion?

M. Rayner said that she would make the motion.

S. Mittlefehldt stated:

If we do have the motion we should include the language about being okay with the changing of the [dumpster] materials.

D. Stensaas stated:

If I may interject, the applicant can change an element of the site plan at any time before its submitted to us, before construction - if its something that is approvable administratively, we can approve it anyway. That is one of those things that is approvable administratively.

S. Mittlefehldt said okay, then we don't need to mention that.

It was moved by M. Rayner, seconded by A. Andres, and carried 7-0 that after review of the site plan set dated December 8, 2021, with supplemental documentation and the STAFF FILE REPORT/ANALYSIS for 08-SUP-12-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.629, and hereby approves 08-SUP-12-23 with the following condition that an amended plan is submitted to meet staff comments.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

TRAINING

A. Article “The Business Case for Dropping Parking Minimums” (Planning, American Planning Assoc., Summer 2022)

D. Stensaas said:

We're going to be working on, and you're going to be starting to look at staff's proposed LDC amendments soon, and there are a lot of them, but parking is one we keep coming back to and fiddling with, and after rereading this article you should be comforted by the fact that we're doing it right. We are making incremental changes, we are shown in a map in the article as one of the cities – the only one in the U.P. – that has implemented parking reforms at the city center/district level. And we've gone beyond that. The City did away with parking minimums in the downtown, except for residential uses, in 2008 or so, and then we expanded that to the Third Street Corridor in more recent years. And then we did further reforms on specific uses like retail and office uses to basically create no minimums. The minimum for retail and office use is 2 spaces, that is far less than you'd typically have, and then we instituted parking maximums for a lot of uses.

So what I'm thinking maybe the next step is, aside from the residential use and assembly uses - like churches, galleries, funeral homes – that we make all of the parking requirements recommendations rather than requirements. We have to keep the residential requirements with our snow situation here. A lot of cities have done away with residential parking requirements, but a lot of cities have on-street parking available year-round and we do not. So, in my opinion I think it's worth a try at this point to make all the minimums recommendations.

S. Lawry stated:

I think I read in there somewhere that the American Community Survey indicated that 47 percent of the households in Marquette County only have one vehicle, but I would think that probably a large number of those cases that is the government subsidized housing units and I think in those instance we have the option of applying a different standard, when its low income housing, that we could develop a different standard for that as well.

C. Gottlieb stated:

When I read this I was thinking, and I've only been in this group for a little bit, but we were talking about the new hotel around the corner that didn't have enough parking on site and they had to arrange for parking off site almost a quarter-mile away. What do you think of that?

D. Stensaas stated:

Hotels are a lodging use and I think all of the residential and lodging uses should still have a minimum.

C. Gottlieb stated:

That was my specific question, if that would fall into that recommendation or not.

D. Stensaas said:

I think that would fall out of that recommendation, and not to go with a recommendation but to have a minimum.

C. Gottlieb stated:

I agree with that. Hotels by definition, they are going to have a car there, at least for now. Other than that, I think the recommendation is a good idea and it encourages people to ride their bicycles, walk into town, or use a bus, if we only had a decent mass transit system.

S. Mittlefehldt stated:

Are there any other thoughts on that? Yeah, I agree. At least with the case studies they profiled in this article it didn't seem like it had any dramatic negative consequences. I don't know if there's been any research into the downside, but from this article it doesn't seem like there is much of a downside.

D. Stensaas stated:

I don't think we've seen much of a downside yet. I think with the Third St. Corridor, we know there's going to be some spillover into the adjacent neighborhoods, and that's going to be the biggest negative of not having a parking requirement there. But unless there's something that becomes a lot more of a draw or a destination than what is there now, I don't know that its going to become that much of a problem. We'll talk a lot more about this in the future, but the Sandpoint, Idaho comparison is good. Sandpoint is a lot like Marquette, I spent a lot of time there, and it's a mountain town on a big glacial lake, it's a little bit smaller than Marquette but its very similar and so the case study is encouraging.

M. Rayner stated:

And they have a railroad coming through passengers too.

D. Stensaas said that is the Orient Express, I think.

S. Mittlefehldt said that if there are no other comments, we can move on to the work session.

WORK SESSION

A. Community Master Plan

D. Stensaas said:

I'm going to pull up the two chapters that we're going to talk about and I sent these to you in email, but didn't want to put them in the record since there are a lot of embedded comments and the document is going to change a lot. Starting with the Housing and Neighborhoods chapter, I hope everyone had a chance to read through this. Its really interesting, they put a lot of good data in this chapter and I think they did a good job of finding information that was relevant to our situation.

S. Mittlefehldt said:

One thing that I said in the written comments that I sent to Dave was that I thought they made a compelling case about how the housing cost burden is particularly acute for young people. And I think we've all known how its hard when you're young and you have to share a room, but I think its gotten actually worse, so I was wondering if there is any historical data on the housing burden by age demographic. I'm curious how that has changed over time and those patterns about the cost burden.

D. Stensaas said:

I don't have an answer for you on that, but I would concur with you and your feeling about that. So, we have a very unaffordable housing situation, like most cities at this point in time. But they did a really did a good job on drilling down into the reasons for the cost crisis. What they didn't address was the fact that a lot of houses didn't get built after the sub-prime mortgage scandal crisis-recession around 2008 and the fact that wages were stagnant for about 20-30 years and that has a lot to do with the fact that a lot of people don't have the money for housing as its increased in price.

S. Lawry said:

I don't think that I can support all of their recommendations for solving it. One of the big factors in the City's current budget balancing problem is the number of Brownfield TIF districts that have been created and postponing taxes on things, and its become an almost expected thing from developers. Commissioner Premeau has probably developed more housing in this town than probably anyone else still alive, pretty close to it anyway, and as far as I know he didn't get any government breaks on it. He got charged for every brick, and every manhole, every nut and bolt on the water main because it was all done through the special assessment process or through the subdivision process where he had to build everything to City specs and then after he paid for it all, including the purchased land, he had to turn it over to the City without compensation for it. And he was able to develop housing, both single family and multi-family that people were able to afford. I don't think its totally out of the question that people could do that still, its just that we've competing with sections of the state and the world where somebody else will pay for your development costs, so nobody here wants to do it without the same incentives. I think that Brownfield Authorities have their place, and if there's a contaminated parcel that needs to be cleaned up that is a legitimate use of those funds, but not necessarily to give 20 to 30 year tax breaks for stuff beyond cleanup. And as far as the county getting into community land trusts, that sounds like another step to stay away from. To me it would make more sense to, if government money is available, is to work with the local financial institutions and channel the money through them and make it available directly to the homebuyers in a reduced mortgage rate. It's the 7-8 percent or higher mortgage rate that people can't afford that keeps them from buying now, and if you could get that down to 3 or 4 percent again by subsidizing or using the government money to reduce the interest rate on the mortgages, that would seem to be more effective to me and I don't know what kind of program that you'd have to support to do that. I think I've heard of similar programs being done for funding business development in the area. I don't know that I've heard of it being done for home mortgages, but that would be more directed at where it's needed. So, hopefully before we actually adopt the whole Master Plan a little more thought can be given to the recommended solutions.

D. Stensaas said:

Well, the minutes of this meeting will go to our consultants. They are preparing a draft of the entire document to be available and go to the Planning Commission next month.

S. Lawry stated:

Well I know that they're listing a group of options there and we don't have to use all of the options. So I guess I'd like to see that one added – to work with financial institutions on reducing interest rates for home mortgages.

C. Gottlieb stated:

I noticed that the map on page 2 does not really separate the South Marquette neighborhoods from the Late Century neighborhoods in the same way that the discussion does. Also that same map bisects the Shiras neighborhood and Lake Street.

S. Mittlefehldt said:

I think you're on the Future Land Use chapter and we're still on the Housing chapter. She asked if anyone else had comments on the Housing chapter. She also said that one thing she thought that should be highlighted more is our work on ADUs in the section of things that have been done.

D. Stensaas stated:

They also mistakenly recommend that we should make ADUs a use-by-right, which we already have.

S. Mittlefehldt said:

As a visioning document for the future, even in that little section about ADUs, I think that talking more about that as a housing strategy would be useful, because ideally, we will see more of that even though it hasn't been utilized widely.

A. Landers said:

They also say that "If there is resistance to permitting these uses by right, they could be administratively reviewed by city staff.", but only a use-by-right by can be reviewed administratively.

D. Stensaas said:

So, duplexes, triplexes and quadplexes are a focus that we're going to be working on when we get to the Land Use and Zoning part of this. We don't have the Zoning Plan part of this yet, but we're on the same page and I think what we're going to end up with is a higher-density overlay district where we could allow maybe just the corner lots could be developed as duplexes by right - up to so many units per acre - if they can make everything work on the lot - the parking and whatever open space requirement is adopted.

K. Clegg stated:

I thought it was interesting that there is a recommendation to change the definition of family to include more people. I know that I'm asked that all the time when we put house up for rent, people want to put five people in a house, but we can't allow it. But that would solve maybe twenty percent of the problem, obviously.

A. Landers said that for that one we'll need to work with the Fire Department as well.

S. Mittlefehldt said:

I have a question about the [recommendation for] fee waivers and how they are making the point that developers costs are factored into the final price of the housing unit and the suggestion is for waiving fees for projects that are within the City's goals. I'm a little concerned about questions around equity there, because who decides which projects get fees waived and which don't. So if this is a goal maybe it could include language about some kind of review process...to ensure there is an equitable way to make that decision.

M. Rayner stated:

And their opinion is not necessarily the next person's opinion.

D. Stensaas stated:

One good thing for the Planning Commission is that fee waivers won't be a Planning Commission decision, because waiving fees is up to the City Manager and City Commission.

S. Mittlefehldt said:

Once we get into waiving the fees it feels like a bit of a rabbit hole.

D. Stensaas stated:

The fact is that we're operating like a business – the City isn't a charity and it's not a for-profit institution, but we have bills to pay. The operational mode has been to operate like a business. So, for the time we spend processing permits, the fees we charge have to be equitable to the average time staff spends on those. But I like that idea as a temporary measure for some housing projects, if we were going to try to encourage larger housing projects, but then again the fees aren't that much. I mean our fees aren't that much - I know when you add up all the different fees from the county and all the different agencies that have a hand in it, it is significant. But our fees still don't add up to that much so I don't know that its going to be seriously considered.

W. Premeau stated:

All the houses in Marquette are eligible for Brownfield funding. The other comment I've got is that we pay taxes, but nobody explains what we get for our taxes. Years ago, our taxes covered everything, but now it doesn't seem like it covers anything. So, when we're talking about fees, if you're paying taxes and you want to put a chicken in your back yard and you have to pay extra, I don't get it. If you paid the taxes that I pay you'd understand.

S. Lawry stated:

I have a comment about the Pattern Book homes, and they may have a place as well, but Marquette gets complimented regularly because of its architecture – and not just residential but commercial as well. I think it's the variety that makes a neighborhood attractive. Patterns get boring in a big hurry when you look at residential, and I'm not sure that we even need that as a recommendation in here because I think what they're speaking of as far as having a pattern approved is mostly an issue with the County Building Codes office. For the most part all we do here for residential is just site plan review. When we approve PUDs maybe that is a fine place for them, but for a neighborhood development outside of a PUD they are more of a detriment than an asset. Perhaps you could look at Harlow Farms as an example, the duplexes all look the same in one section, but if you want to see some attractive homes you go into the single family area where all the homes are different designs. Also, in one of these chapters it recommended using something so planners can get what they want, and that just struck me as wrong. We're not supposed to be doing things so that the planners, be it the Planning Commission or City staff gets what they want, it's supposed to be the public that gets what they want, as long as it's not interfering with their neighbors. I really think that is a bad statement to leave in the plan.

D. Stensaas asked if everyone is ready to move on to the Future Land Use chapter.

S. Mittlefehldt said sure.

D. Stensaas stated that there is one specific issue about Land Use and Zoning that he would like to talk about later, but the framework that they came up with is interesting. Without seeing the accompanying zoning plan I'm not sure what to make of it specifically. I commented to them about the map - the University district includes the Municipal Service Center and doesn't include the Jacobetti center, which I pointed out. I can't really comment a lot without the accompanying Zoning Plan, but its an interesting

framework. I know the zoning recommendations are going to be that within these areas certain uses should be allowed and types of development would be appropriate, and as long as what is being proposed it should be developable by right in these area.

S. Mittlefehldt said:

My first reaction when I saw the categories was that, when I think of land use I think of functions, like what is the functional goal of these particular areas and so with the Mid-Century and Late-Century neighborhoods I thought it was interesting that the names are historically connected to when they were developed, but it tells us nothing about the functionality or identity of those areas.

M. Rayner stated:

I did not feel comfortable with that. I wondered why they included your building in the University district.

S. Mittlefehldt said:

It makes sense to have the Historic Core, I get that.

D. Stensaas said:

The names are one thing, and among my comments included one that the locals should probably have a crack at giving these places names. I think your comment about functionality, Sarah, was really good. They do talk a lot about what happens in these areas, but it's more about recommendations I think.

M. Rayner said that the terms are confusing.

C. Gottlieb stated:

My comments echo what you and the Chair already said, that the maps don't necessarily correlate with the descriptions, and I don't want to use the word amateurish, but there are silly mistakes and I was surprised. There are also grammatical things that bother me, like capitalization. Do you want comments like that forwarded to you? This is stuff the word editor button should have picked up. For substantive comments do you want those in email or now?

D. Stensaas said that email would probably be best so that we can just forward those directly.

S. Lawry stated:

Just looking at the map again, it seems to me that the Marquette Industrial Park should be lumped together with the Washington St. corridor. When you're trying to define a separate character district, they may not be identical but the industrial park is certainly a lot closer to that than it is to the residential area to the north. And as far as the titles go again, Shiras hills is shown as Late-Century Neighborhood and its older than a lot of what is within the Mid-Century Neighborhood.

D. Stensaas asked S. Lawry what he was referring to by the Marquette Industrial Park near the Washington Street Corridor. To confirm what he was thinking 😊

S. Lawry stated:

They are defining the W. Washington St. corridor as a separate district, but to the south of that there is the hospital, Premeau construction, the auto dealership, the new Airstream dealer, etc., and that all seems like it should be part of the business district that they are outlining along Washington Street.

- All of the above are along W. Baraga Ave., west from the hospital property to the cul-de-sac end.

D. Stensaas said:

That is one of the parts of this that I wasn't totally on board with either, because we talked a lot about this area with the last Master Plan update and we recommended some new Mixed-Use areas that were implemented with the adoption of the Land Development Code, but they seem to want to see it all as a Mixed-Use area and it doesn't really lend itself to that. We're seeing the redevelopment of two of the largest retail lots in the city in that area now and those are not going to be mixed-use. Almost all of the businesses fronting Washington St. from Lincoln Ave. are commercial, so I don't really see where that makes a lot of sense right now.

S. Mittlefehldt said:

So, do you think that is intentionally aspirational, that it would eventually be similar to downtown?

M. Rayner said:

There again it's very confusing, it's not really stating what's happening there.

D. Stensaas said:

We looked at that more granularly than they have and that's why we recommended that these lots in particular could be Mixed-Use in this area and then we could create a Mixed-Use corridor up McClellan Avenue. Because I think we all would like to see more housing available wherever there is walkable retail use in areas where you can maximize the land for both.

S. Lawry stated:

Another comment I have on the map is that it seems like the commercial docks in the upper harbor should be part of the Industrial zone that they've outlined up there, not just for function but because they are part of the assets that make that a prime industrial area. The coal unloader doesn't show on there but the other two are both industrial use, and those extensions into the water should be shown in black.

S. Mittlefehldt said:

I have a comment on the Recreation Corridor. I'm not sure if you've had further conversation with Russ about the idea that we bounced around at one meeting about a scenic corridor.

D. Stensaas said:

Yeah, I think that's going to be in the Zoning Plan. It was mentioned in the Land Use chapter wasn't it?

S. Mittlefehldt said:

Not really, but I thought that the place to do it would be the Recreation Corridor section.

D. Stensaas said:

I think they're going to have a recommendation in the Zoning Plan, about keeping hotels out of there.

S. Mittlefehldt said:

Okay, so that would be something elaborated in the Zoning Plan? Stay tuned for that then.

D. Stensaas said:

Yes, that should be coming anytime. It would have been nice if those had been presented together to get a better picture of their recommendations.

S. Lawry asked D. Stensaas if he got a reply to the question of what a "mat" street was?

D. Stensaas said no, he just put in the comments that he didn't understand what they were talking about.

S. Mittlefehldt asked if anyone had any other thoughts or comments on the Future Land Use document? She also said that she had a few other ones and asked D. Stensaas if it was preferable to send those to him by email, to which he responded affirmatively.

D. Stensaas said that he had another issue that he needed to talk with the Commission about, regarding the W. Washington St. corridor. He showed on the monitors the recommended "Place Types" map from the draft Future Land Use chapter and said that the consultants are envisioning a Mixed-Use district along the corridor from Seventh Ave. to the intersection of US-41/M-28. He also said:

One of the things we did when we were reviewing properties last summer to create a more accurate chart of land use by parcels and land use by zoning district and as a percentage of lots in the city, etcetera, was to try to identify multi-family uses in single-family districts to see if we could create new multi-family districts and I think we came up with a list of over 30 properties and then analyzed those and came up with about 14 that would be candidates for rezoning as they are large enough to meet the current lot size standards we have for multi-family districts.

He went on to say:

Another issue is mixed-use, and back to the Washington St. corridor, it has about a dozen parcels between Lincoln Ave. and Morgan St. that have houses on them and showed a map with the 756 W. Washington St. parcel outlined in blue and said that it is a property that was recently purchased for use as a mixed-use building, and we have an issue there because it is General Commercial and not zoned for mixed-use. I mentioned to Russ Soyring from Beckett & Raeder last summer that several of the properties in this two-block area should probably be considered for rezoning to mixed use, and the ones that have homes on them don't have anything like industrial uses. He also said that their Future Land Use Plan draft doesn't have parcel-level specificity, and that's one thing about this Land Use Plan that is radically different than what we have now – and he likes the concept that certain parts of the city lend themselves to certain types of use and they have yet to specify those uses in the draft Zoning Plan that is still being prepared. He said that we have the owner of the 756 property here tonight and I told him that we would discuss this tonight because he intends to remodel the building on the lower floor for commercial use and when he can – through rezoning one way or another – remodel the upper floor for residential use. He also said:

This is like the situation at 1501 Division St., as I would say we sort of did the same thing with these properties, when we maybe overlooked that as another possible Mixed-Use district, because right from the corner of Lincoln to the east we have six properties in a row that have homes on them that could have been rezoned to Mixed-Use and then there are a handful of other ones, and our staff recommendation to the consultants was that we rezone these [W. Washington St. properties] to Mixed-Use and that the land use [categories] be changed, and they're recommending the whole district be changed so I don't see what I'm saying as conflicting. I don't that a lot of these commercial businesses - we have a car dealership in there at 722 – is not going to become a mixed-use property, and neither are some of the other ones like the doctor's office and other offices at 700, but several of these would lend themselves to mixed use. I don't know if you want to allow the owner of the 756 property to come up and talk about this, but he is here.

S. Lawry asked: Is that the house that had the accounting business in it?

D. Stensaas said that he wasn't sure.

S. Lawry said: I think so, for quite a few years. So, I think it was in a mixed use. I don't know if there was anyone actually living in it, I believe there was, and it has an accounting firm on the lower level.

S. Mittlefehldt asked [directed to staff]:

Is there anything use that would be affected negatively if it was changed to Mixed-Use? Because it seems like Mixed-Use is pretty broad and would allow everything there anyway, right? It only just also allows for some residential development as well, correct?

D. Stensaas said:

The only negative thing is maybe people moving into those properties expecting something that's not commercial are going to have to deal with the reality that it is a commercial district, its not going to be a residential district. As long as your expectations are realistic. Its kind of the opposite of what the Right to Farm Act was designed for, to prevent people from suing farmers after they bought a house in an agricultural district, complaining about the odors and other stuff.

M. Rayner said:

Wouldn't it be like the apartments downtown though, it really [inaudible], they know when they're looking to rent or to be on that second story.

D. Stensaas said:

I think for the most part there wouldn't be any issues except for that, I mean you might not get a good night's sleep if you're on Washington Street.

C. Gottlieb said:

But wouldn't they know that when they're walking in the door?

D. Stensaas said:

I don't know, we deal with all kinds of weird stuff. The Right to Farm Act was created because people were suing farmers after they moved next to a farm.

C. Gottlieb said: Fair enough.

S. Lawry said:

If we zoned the whole area Mixed-Use though, doesn't that put some extra restrictions on or make the tire dealership and the car lot non-conforming?

D. Stensaas said:

Well, we don't know what the LDC is going to look like, what we're going to do with the recommendations from the Master Plan for this district, but if we did end up making it all Mixed-Use then it might make some things non-conforming, and so we might not want to do that.

M. Rayner said:

Yeah, because there a number of businesses that are businesses, but you've also got these older homes that are really kind of perfect for the two uses.

D. Stensaas said:

And that's why its good to have a rezoning process that looks at the lot and not just the area. We have done a lot of blanket rezoning when we adopted the LDC and some of those we had to go back and rezone them, like the properties over by NMU [on Center St. and Schaffer Ave.], and that's why its better to do each lot individually so that you can see if you're creating any non-conformities or other unintended consequences.

S. Lawry said:

For the current Zoning Map, we went through and tried to create Mixed-Use corridors along the major arteries and if they're going to take these neighborhoods or areas of the city and apply a zoning recommendation like Mixed-Use here and not there, it just reverses everything we did already.

M. Rayner said: And that's why I didn't like the Washington corridor the way they have it set up.

D. Stensaas said:

So that's why it's really up to the local Planning Commission to make decisions or recommendations on zoning.

S. Mittlefehldt said:

Didn't we talk about having two different categories of Mixed-Use, one emphasizing residential and the other type maybe more commercial. I feel like we sort of talked about that and I don't know if that conversation has come up with the consultants or not.

D. Stensaas said:

Yeah it has, with the [Lakeshore Blvd.] Scenic Corridor specifically. So we may see that as a recommendation in the Zoning Plan.

M. Rayner stated:

I just think you have to individually look at that because of the type of structures you have there.

D. Stensaas said:

So, the Master Plan is one thing – implementing it and changing the LDC is a whole different thing and you have some decisions to make about how you want to implement any recommendations of the Plan, but in this particular case it sounds like the Planning Commission would be comfortable - if a Rezoning application was submitted in the near future - probably recommend approving it.

Most or all of the Planning Commission members gave affirmative body language cues, nodding heads.

M. Rayner said: I think that's a good idea.

D. Stensaas said:

But Mr. Berg, who owns the [756 W. Washington St.] property is here if you want to hear from him.

S. Mittlefehldt asked: Mr. Berg, do you want to talk with us? We don't want to waste your time.

Eric Berg, owner of 756 W. Washington St., said:

I've been a farmer's market baker going on ten years – Bergy Bread – I bake baguettes here in Marquette. I purchased this building fully intending to invest in the community and serve my clientele and Marquette at large. And then move above eventually, that's my hope. So I need to work irregular hours as a baker, and that's all.

S. Mittlefehldt asked: Okay, any questions or comments.

S. Lawry stated:

Part of the discussion we had regarding the Division St. property [1501] is whether it had been vacant for [at least] six months. If this had been mixed-use for years, has it been vacant for six months and does that enter into the need to rezone it? It's a change of use but its still a mixed use.

D. Stensaas said:

Well, it's been zoned General Commercial.

M. Rayner said:
Even though it wasn't used as that.

D. Stensaas said:
I'm not sure how it was used before. Do you know, Mr. Berg?

Mr. Berg stated:
General commercial, a tax-prep office.

D. Stensaas asked: So, just an office?

Mr. Berg stated:
Yes. Originally it was a duplex, built in 1920.

D. Stensaas said:
It has to be rezoned for the residential part of it, to be able to be remodeled and used for residential.

S. Lawry asked [directed to Mr. Berg]: So there were offices upstairs with the tax prep?

Mr. Berg indicated that was correct.

M. Rayner said: Oh, I thought he said that it was housing.

D. Stensaas said: A long time ago.

S. Mittlefehldt said:
So, if this rezoning came during this process we could deal with that outside of the Master Plan update.

D. Stensaas said:
Yes. And he is eager to move on with the process, and there is no telling how long it going to be until we update the LDC [zoning] map again.

S. Mittlefehldt said:
Yeah, and I don't think it would be fair to a property owner to get caught up in the City's revisioning its Master Plan.

D. Stensaas said:
The text of the LDC is one thing, all the sections of text and dimensions that we're going to update, but the map is different ball of wax. Once we start talking about implementing any parts of the Master Plan we could spend a year before we make any big moves on that, so a Rezoning application for this is the way to go if you want to remodel by the spring.

S. Lawry stated:
That's not really solving some of the other issues on that same block that really appear to have been overlooked last time. Could we look at doing those all in the same rezoning.

D. Stensaas stated:
The individual landowner has to apply and the only time the City can rezone someone else's property is when there are eleven or more parcels and it's done through a strategy, like when we rezoned all those properties when we adopted the Land Development Code, that was part of a plan that was illustrated and explained in the Community Master Plan.

S. Lawry said: Okay, thank you.

S. Mittlefehldt asked if anyone had any other thoughts or comments on the Land Use map or document? If not we can move on to Commission and staff comments.

COMMISSION AND STAFF COMMENTS

A. Andres stated that the Michigan Independent Living Council, which is one of the councils I'm on through the Governor's office, is doing their three year update to the statewide independent living plan, and their current needs assessment and survey is on the website – misilc.org. We would love anybody's input regarding the statewide independent living plan and its needs for improvement.

D. Stensaas said that the next meeting we have is going to be video-recorded and if that works out well enough we are going to start videorecording all of the meetings, which will allow us to stop having to produce verbatim minutes for all of the meetings. If we have a video and audio record that people can access like the City Commission does, we will not have to produce detailed minutes for every meeting. He also made some comments about possible upcoming business for January.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:20 p.m.



Prepared by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison