

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, January 16, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
George Meister (Vice Chair)  
Donna Mullen-Campbell (Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Rebecca Sloan

Members absent at roll call:

Kendall Milton

Staff present:

Richard Bohjanen (Township Supervisor), Joe Neumann (Grants Planner), Dale Throenle (Planning Director / Zoning Administrator)

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. December 19, 2022 Meeting**

Throenle stated that the wrong minutes were in the packets that were distributed, and that the correct minutes were distributed for the Commissioners at their seats prior to the meeting.

*Rhein moved, Meister seconded, to approve the December meeting minutes as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

None

**VI. Public Hearings**

None

**VII. Presentations**

None

## **VIII. Unfinished Business**

Throenle stated that the unfinished item on the agenda was put on the agenda in error. He stated there was no unfinished business for the meeting.

## **IX. New Business**

### **A. Election of Officers**

#### **Staff Introduction**

Throenle stated that the election of officers was an annual requirement for the Planning Commission. He added that Rhein, as the Township Board Representative, was not eligible for office.

#### **Commissioner Discussion**

*Rhein moved, Meister seconded, to elect Soucy as Chair.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

*Soucy moved, Rhein seconded, to elect Meister as Vice Chair.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

*Rhein moved, Mullen-Campbell seconded, to elect Mullen-Campbell as Secretary.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

*Rhein moved, Mullen-Campbell seconded, to elect Sloan as Vice Secretary.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy asked Throenle about bylaw approval. Throenle stated that the bylaws were rewritten last year, and that he could bring them back for review at the next meeting if the Commissioners wished to review them.

*Rhein moved, Meister seconded, to keep the bylaws as written.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

### **B. 2022 Planning Commission Annual Report**

#### **Staff Introduction**

Throenle stated the report was an annual requirement that was required to be presented to the Board showing activities from the previous year. He added there was a section in the report showing the activities of the Planning Director for the year.

#### **Commissioner Discussion**

Soucy asked the Commissioners if there were comments about the report. Meister stated the report was concise and easy to get through.

Gencheff asked about the Board direction for resolving non-conformances in the AF district. She asked if that involved changing the parcel sizes. Meister replied that there are multiple parts to that question; one was to look at the non-conformities as well as looking at the zoning requirements for the district as the Commissioners proceed through the discussions. Gencheff asked what the priority was: resolving the non-

conformances or keeping the rural character. Soucy replied that would be further discussed in the joint meeting agenda item later in the meeting.

Soucy asked Throenle if there was anything Throenle wanted to highlight about the report. Throenle replied that he believed the Board will see the amount of work the Commissioners did throughout the year.

*Meister moved, Rhein seconded, to forward the 2022 Planning Commission Annual Report as presented to the Township Board for consideration.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

## **C. Industrial Zoning District Conditional Use Discussion**

### **Staff Introduction**

Soucy stated that the Commissioners heard public comments at the last meeting regarding a residential use in the Industrial zoning district. Throenle added that Commissioners had directed staff at the last meeting to present possible solutions for Commissioners to consider.

Throenle presented three possible solutions: 1) do nothing and keep the district as it is; 2) Add a residential and a rental conditional use to the Industrial zoning district, with the intent that the owner would apply for that conditional use; or 3) rezone the seven parcels in the related Industrial zoning district to Commercial, and put the overlay district in that zoning area to allow for residential use.

### **Commissioner Discussion**

Soucy stated he remembered at the previous meeting that Commissioners were considering the Commercial rezoning with the overlay option; Rhein concurred.

Mullen-Campbell asked if the overlay was a mixed-use overlay; Throenle stated that it was, and that all current Township Commercial zoning districts had the mixed-use overlay district applied.

Soucy stated he saw this option as a better option, as it was not as intensive as the conditional use in the Industrial district. Meister added that it was a better idea to switch to Commercial to avoid putting residential and rentals in an Industrial district. Rhein added that the area was more of a Commercial district than Industrial. Mullen-Campbell asked if the rezoning would be just for that property; Rhein stated that the seven parcels would be included for rezoning.

Soucy asked Commissioners to look at the long-term use of the district and how that might affect the Township twenty-five years later. Meister stated that Commercial was better as it blended better with the surrounding residential areas.

Sloan asked what the timeline would be for the change. Throenle stated that the Commissioners would set the timeframe for the public hearing, and that required notifications would go out to the parcel owners and the surrounding neighbors about the rezoning. He added that once the public hearing was held, and Commissioners approved the language, the language would be forwarded to the Board for a first and second reading.

Mullen-Campbell asked if the public hearing could be held at the February meeting. Throenle responded that there was time to get the notifications out to meet the fifteen day notification requirement.

Rhein asked if the public hearing could be held at the joint meeting. Throenle stated it could, and that a first reading could be held at the same meeting. The second reading would occur at the Board meeting in March.

Bohjanen stated he was unsure if the first reading could be held at the same meeting as the public hearing. Throenle replied he understood that the Board could accept the document with changes discussed after the public comment was presented.

Soucy asked Bohjanen if the public hearing could be held at the joint meeting. Bohjanen stated he was concerned about the amount of public comment and expressed that it might extend an already lengthy agenda. He did agree that the public hearing could be scheduled if the Commissioners chose to do it that way.

*Meister moved, Rhein seconded, to that the zoning for seven parcels located on US 41 South as presented be changed from Industrial (I) to Commercial (C), and to move the consideration for change number 34-23-01 to a public hearing.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

*Meister moved, Mullen-Campbell seconded, that the overlay district map and language be expanded to include the zoning for seven parcels located on US 41 South as presented and to move the consideration for change number 34-23-01 to a public hearing.*

Throenle asked when the Commissioners would like the public hearing to occur.

*Rhein moved, Sloan seconded, that the public hearing be at the Board meeting on February 13, 2023 at 5:30 PM.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **D. Joint Meeting Considerations**

##### **Commissioner Discussion**

Soucy stated he wanted input from the Commissioners for the joint meeting in February as to what the Commissioners would like to discuss at that meeting. He added that the items Board wanted on the agenda for discussion included sending completed definitions to the Board, a legal update regarding the AF zoning versus land use and the related strategies for the new ordinance based on that discussion, and the direction for an ordinance that is easy to read and understand. He added that the Board wanted to know what obstacles that exist to prevent the Commissioners from going forward.

Meister addressed Gencheff's question from earlier in the meeting. He stated that it was important to get the decision right. Rhein stated that he informed the Board that the decision was important, but the information was based on what legal opinion would be shared at the meeting.

Sloan addressed Gencheff's question by showing the question as outlined in the packet, and added that the master plan completion was part of the discussion. She wanted to make sure that the Board understood that the zoning ordinance discussion was started last September.

Soucy suggested that the Commissioners develop a set of guiding principles for discussion of the zoning ordinance rewrite to evaluate how to get out of circular discussions and to resolve issues. Sloan suggested that Commissioners determine the direction for the packet and future discussions. Rhein added that the discussions could follow that format.

Gencheff asked Throenle to clarify the issues about non-conforming properties. Throenle responded that the property owner could still build if the setbacks for the property were met. He stated the primary reason the AF non-conforming issue was important is that a property owner cannot divide property unless they have a minimum of 40 acres. He added that there are now several owners of properties in the Township that lost that right to divide when their parcels were included in the AF district when they previously were able to split based on their 2 acre or 5 acre zoning. Sloan interjected that the non-conformances would never be completely eliminated; Throenle agreed.

Throenle added that an additional consideration was that the lakefront parcels that are primarily 100 foot wide lots were all made non-conforming in 1977 when the zoning ordinance set the minimum lot width to 125 feet. He added that no explanation for this decision has been found in the Township records.

Throenle also added that moving the affected AF parcels back to a RR-1 or RR-2 zoning would put those parcels into a requirement for a minimum lot frontage that does not exist in the AF district.

Throenle emphasized there are families in the Township that wish to split for inheritance purposes but cannot. The only options to the family are to grant the property to one heir or to sell the parcel to a non-family member and split the proceeds.

Gencheff asked if relief could be granted based on family circumstances. Throenle stated that could not be accomplished, as the minimums were established for all properties within a zoning district.

Commissioners discussed the issues between non-conformances versus the splitting issue. Meister and Sloan agreed that the parcel size was more important. Throenle cautioned the Commissioners that changing zoning from AF to R-1 instead of RR-1 or RR-2 gives the property owner the capability of increasing density as more splits could occur. Throenle added that moving parcels into an R-1 district removes the ability to have AF considerations on their property.

Meister stated that consideration for properties should not be on a case-by-case basis, but on an overall direction. Soucy added that could be one of the guiding principles for the ordinance discussion.

Gencheff asked if AF considerations would be lost if a property was moved to R-1. Rhein responded that would be the case. Throenle added that the Commissioners have two considerations; one is that the current ordinance mandates the direction for a zoning district, and two is that the new ordinance can specify what uses can or cannot be permitted in a zoning district. Meister added there are limited possibilities within each of the districts as they are determined in the current ordinance. Throenle pointed out that the mixed use district was the difference, in that there are many more options in that district.

Sloan added that the consideration should be how people are affected with changes that may or may not happen. Soucy summarized Sloan's comments as another guiding principle to be responsive to public opinion regarding change of use.

Gencheff asked if people would be notified regarding the public hearing. Soucy stated the notifications would go to those within 300 feet of the requested change.

Soucy added that another policy should be a concentration on health, safety, and welfare. Meister felt welfare was hard to define, as property value was a priority. Rhein added that housing size and location should be a priority. Meister asked to add property values as part of the policy. Sloan added character of the Township should be included as well.

Soucy asked Bohjanen to participate in the discussion. Bohjanen stated that much of the conversation will revolve around the upcoming legal discussion as the issues are discussed. He was under the impression that the property owner might have to apply for the rezoning, with the emphasis on more rights instead of less. He suggested that more conversation be reserved for the joint meeting when the legal opinions are presented.

Meister asked Throenle if a property was rezoned from AF to R1 is there a grandfathering aspect that goes with the property. Throenle stated that if there was change that stopped the use, then the use would end.

Soucy asked Meister if he had a specific question or questions for the attorney. Meister replied that he was looking for a direction on what they can and cannot do in relation to making property changes, with the intent of looking at the zoning map to determine long-range impact.

Soucy and Meister both wanted to know from the attorney about the changes, especially if a resident does not want to be rezoned.

Soucy asked Throenle if he knew what tools are available for regulating character in a district. Throenle asked for a Commissioner definition of character. Meister responded that form-based code and public opinion determine that answer; Sloan agreed. Throenle added regulation could be as restrictive as the Commissioners wanted it to be, and he added a caution that it must be enforceable.

Throenle added that if the ability is removed from the property owner to do something that was already available then that was going in the wrong direction. He also stated that the enforcement aspect was a big portion of the decision, regardless of how a

district was set up.

Soucy asked the Commissioners if there were any roadblocks that needed to be addressed, especially in relation to the AF district. Sloan was concerned about not doing a singular approach to answering questions. She felt that there were too many topics discussed at the same time in relation to the AF question, and all should be addressed one at a time.

Soucy asked if there were any concerns that should be addressed to the Board. Meister replied that he wanted to see a realistic timeline for the development of the zoning ordinance.

Mullen-Campbell asked for an explanation of the word “repurpose”. She was unclear how that applied to the AF district discussion. Soucy added that if language is unclear, then it needs to be one of the guiding principles to make sure that it is.

Soucy asked if there any additional concerns that should be addressed, and stated that he would like to see more training sessions from Township Manager DeGroot. Soucy asked if that should be added to the questions; Commissioners agreed it should.

Soucy introduced FlashVote, which is a new tool that the Township invested in to get survey data for various Township projects. He was curious as to how the Planning Commission could use the tool for their projects. He asked Throenle for more detail on the product; Throenle deferred the question to Bohjanen.

Bohjanen gave a quick overview of the product, its capabilities, and why the Township invested in the software. He pointed out that the software is a way to gain input that is not presented through public comment or public hearings. He stated that the purpose is put together short surveys of five questions to get quick feedback to questions that are part of a project. Rhein added more detail to Bohjanen’s description.

Gencheff asked if the survey went out separate from the newsletter; Bohjanen replied that it did. Gencheff stated that would be a good way to get survey data – describe the issue in the newsletter, then ask the questions about it.

Meister asked about the previous discussion related to the master plan survey and discussion on simplifying those questions. Rhein stated that is why the FlashVote format was chosen: to simplify the questions and to get quicker answers. Gencheff asked how much the software cost and how the survey responses are sent out. Rhein responded that if a person signs up, that person will get the same results as the Board. Bohjanen responded that the Township has a one year contract, and the cost is \$6,000.00. He added that if the product does not work out, then the contract will not be renewed, and other options will be explored.

Gencheff asked if the email addresses were available, could the product be removed and those that registered answer questions via the newsletter. Throenle responded that was possible, but the bigger intent of the product was to get information that could be filtered by the responses by separating residents from those outside the Township that responded. He added that the survey would be linked in the Township

web site to get more participation.

Soucy and Meister asked if the surveys could be down to the neighborhood level. Throenle responded that conversation had to be had with the software provider to determine if that was possible. Bohjanen added that other ways of getting the surveys would be possible, including a mailing option. Soucy added that it would be a good item to look at in the future.

Throenle asked Soucy to summarize the points that were given to give Throenle an easier way to find them for the minutes.

*Rhein moved, Meister seconded, that the following items be sent to the Board for consideration at the joint meeting in February:*

*Proposed Guiding Principles for Considering the Zoning Ordinances*

- a) More clarity in zoning ordinances*
- b) Not changing ordinances because of an individual's problem*
- c) Responsive to public opinion*
- d) Health, safety, welfare, and protection of property as a consideration*
- e) Consistency with the master plan*

*Questions for the Board*

- 1) Questions for the lawyer – what are the cans and cannots of rezoning*
- 2) Realistic timeline for the rewrite of the zoning ordinance*
- 3) More at-meeting training sessions*

*Obstacles*

- 1) Not shifting too much in the approach to solving the issues given to the Planning Commission*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**X. Public Comment**

None

**XI. Commissioner's Comments**

Mullen-Campbell

Felt the Commissioners did well during the meeting, and got a lot finished. She suggested getting rest for the dual meetings in February.

Rhein

Stated the new fire truck will be available for open house prior to the meeting in February.

Sloan

No comments.

Gencheff

She was very satisfied with the choice of FlashVote.

Soucy

No comments.

Meister

No comments.

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

Planning / Zoning Administrator Throenle

Reminded the Commissioners that the next meeting will be the joint meeting with the Board, and that the meeting would be February 13, 2023, at 5:30 PM in the Fire Hall.

Throenle stated he will be sending out the MTA documents that have been delivered on paper via email instead.

He stated that going forward, he would add an item to the agenda for Commissioners request for agenda items for the next meeting. He added that the regular meeting would follow at 7:00 PM with the discussion of the joint meeting as the only item on the agenda.

Sloan stated that she would not be available for the February meeting as she would be out of town.

Grant Planning Neumann

No comments.

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

- A. Minutes – Township Board 12.12.22
- B. Township Newsletter – December 2022
- C. City of Marquette Planning Commission minutes 12.06.22

## **XIV. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:32 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

February 13, 2023

The joint meeting of the Chocolay Township Board and Planning Commission was held on Monday, February 13, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, Judy White, Don Rhein, Kendra Symbal

ABSENT: David Lynch (Excused)

PLANNING COMMISSION:

PRESENT: Ryan Soucy, Don Rhein, Eve Lindsey, Donna Mullen-Campbell, Kendell Milton

ABSENT: Rebecca Sloan (excused), George Meister (excused)

STAFF PRESENT: William De Groot, Suzanne Sundell, Dale Throenle, Joe Neumann, Tony Carrick, Lee Gould

ALSO PRESENT: Roger Zappa, Township Attorney

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, January 9, 2023.
- B. Approve Revenue and Expenditure Reports – December 2022 (unaudited) and January 2023.
- C. Approve Bills Payable, Check Register Reports – January 3, 2023 (Check #'S 25858 – 25874, in the amount of \$46,948.63), January 11, 2023 (Check #'s 25875 – 25894, in the amount of \$21,318.04), January 18, 2023 (Check #'s 25895 – 25905, in the amount of \$19,864.91), January 18, 2023 (Check #'s 25906 – 25920, in the amount of \$19,846.90), January 27, 2023 (Check #'s 25921 – 25933, in the amount of \$10,953.41), and January 27, 2023 (Check #'s 25934 – 25937, in the amount of \$10,939.67).
- D. Approve Bills Payable – Regular Payroll of January 5, 2023 (Check #'s DD3012 – DD3042 and Check #'s 11305 – 11309 (*11300 – 11304 Voided*), Federal, State, and MERS in the amount of \$40,482.56), and January 19, 2023 (Check #'s DD3043 – DD3071 and Check #'s 11310 – 11314, Federal State, and MERS in the amount of \$41,365.84).

White asked about the Revenue and Expenditure report with the Township Board line being overbudget. S. Sundell explained that later in the meeting there was a budget amendment to remedy this – this overbudget amount was due to settlement fees on the FOIA court case.

Zyburt moved, Rhein supported to approve the consent agenda as presented.  
MOTION CARRIED

**SUPERVISOR'S REPORT**

Supervisor Bohjanen spoke on the Town Hall meeting that was conducted by MCSWMA on January 30, 2023. Don Rhein, Kendra Symbal, and himself were in attendance. The information that came from the meeting was that tipping fees will be going up by approximately 25%. Mandates came from State level (EGLE) and they have the power to do this by refusal to renew the landfill license.

**CLERK'S REPORT**

Clerk Engle stated that we will be having a May election – MARESA is proposing an increase in their millage by 1.5 mills for a period of 20 years. Township staff is currently working on getting the Absentee Voter applications out. MARESA will be reimbursing the Township for extra costs associated with the election.

**TREASURER'S REPORT**

This report will be given on a quarterly basis.

**PUBLIC HEARING – NONE**

**PRESENTATION – TOWNSHIP ATTORNEY – REZONING OPTIONS FOR THE AGRICULTURAL / FORESTRY DISTRICT**

A presentation was given by Roger Zappa, Township Attorney on rezoning options. He feels this can be done, but only the Township Board can legally amend. A rezoning can only occur if there has been a mistake or a change in conditions. 42% of parcels in the Agricultural / Forestry district are non-conforming. Questions that need to be asked are, is it in the public interest and is it consistent with the Master Plan. The Master Plan does not dictate what zoning should look like, but it is a guideline. Rezoning also requires getting feedback from residents – public hearings, surveys, etc.

Zyburt moved, Engle supported to have the Chocolay Township Planning Commission join the meeting.

MOTION CARRIED

**CONSIDER ZONING DISCUSSION OF THE AGRICULTURAL / FORESTRY (AF) DISTRICT.**

**1. MOTION BY PLANNING COMMISSION TO JOIN MEETING**

Soucy moved, Milton supported to join the joint meeting with the Township Board.

MOTION CARRIED

Milton moved, Mullen-Campbell supported to approve the agenda as presented.

MOTION CARRIED

Rhein moved, Mullen-Campbell supported to approve the January 16, 2023 Planning Commission meeting minutes as presented.

MOTION CARRIED

2. PUBLIC COMMENT PLANNING COMMISSION

Nancy Richards, property at 495 County Road 480 – would like to be able to divide property between herself and two siblings.

3. TOWNSHIP ATTORNEY – REZONING OPTIONS FOR THE AGRICULTURAL / FORESTRY (AF) DISTRICT / REVIEW AND DISCUSS DIRECTION OF THE AF DISTRICT / FLASHVOTE USAGE

Question on Zoned / Un-zoned districts – Atty. Zappa is not suggesting overlay zones – this a discussion for the Planning Commission on what makes sense for compatibility for what is there. The Planning Commission has discretion on what is in the best interest of the public. The Township may want to look at different AF parcel sizes – possibly an AF1 and an AF2. All of this would require public input. Need to avoid being looked at as “arbitrary and capricious” – not supported by Master Plan or ignores public input.

Supervisor Bohjanen stated that many things have changed in the Township since 1977 and 2008. Agriculture has all but left the Township. There has been a generational change and the people that were farming in the past are now looking at needing to dispose of their land. The Township needs to make a decision on if they want to look at rezoning or not, the size of the parcels, and the use of the parcels. He feels that the Township should look at rezoning.

Supervisor Bohjanen feels that we need to put FlashVote to use and find out what the landowners and public want. By law, we need to notify property owners within 500 feet of what is going to change, but Bohjanen does not feel that this is enough. A mailing to all property owners in the Township might be a better option – this may be a little expensive, but not cost prohibitive.

Supervisor Bohjanen indicated that he had found the items that were to be sent to the Board for consideration on page 52 of the packet (Planning Commission minutes from January 16, 2023 – page 8 of 9).

*Guiding Principles for Considering the Zoning Ordinances:*

- a. More clarity in zoning ordinances*
- b. Not changing ordinances because of an individual’s problem*
- c. Responsive to public opinion*
- d. Health, safety, welfare, and protection of property as a consideration*
- e. Consistency with the Master Plan*

*Questions for the Board:*

1. *Questions for the lawyer – the cans and cannots of rezoning (which have been discussed)*
2. *Realistic timeline for the rewrite of the zoning ordinance (Bohjanen feels we should work as quickly as possible, but not a set timeline).*
3. *More at-meeting training sessions*

Soucy (PC Chair) indicated that what he is hearing is that status quo is not sufficient and the Planning Commission needs understand what the public feeling really is. He does not feel that we can get that from just Public Hearings. To get a better sense of the community, we need tools like FlashVote and going out into the community to obtain their input. Soucy feels expedience should also be added to this list.

Supervisor Bohjanen asked Atty. Zappa about making minor amendments as we are working through this. Atty Zappa reminded that we need to consider each one – it is somewhat of a hazard to do piece meal zoning. Proceed with caution and make sure it makes zoning sense and that it is not just a favor.

Township Manager De Groot stated that the Board and Planning Commission have a lengthy process ahead of them. There are a lot of different ideas floating around right now. These ideas need to be brought to the public – charettes, postings on the website, a webpage that is aimed specifically at this subject, required public meetings, FlashVote usage. Need to look at both the Planning (creating a Master Plan creating districts) and Zoning (provides uses to those districts). Need a plan on how to reach more people. FlashVote would be a maximum of 5 questions per survey, which takes about 2 minutes to complete.

The Planning Commission will be putting together questions for the FlashVote survey.

4. REVIEW PLANNING COMMISSION YEAR END REPORT

PC Chair Soucy indicated that the Planning Commission had a great year and have accomplished a lot. The Planning Commission is a good team to work with. It was also indicated that the Planning Commission would be interested in more of the in-person training from Township Manager De Groot. The Annual Report is also addressed in Page 2 of 9 in the January 16, 2023 Planning Commission meeting minutes.

5. PUBLIC COMMENT PLANNING COMMISSION

Jason Copeman, realtor – his family has various acreages in Chocolay Township. Has been on various committees. Spoke on parcel sizes, open space, protecting farming (Right to Farm), 1997 Land Division Act, and subdivisions.

6. COMMISSIONER COMMENT

Donna Mullen-Campbell – learned a lot, need to keep simple and straight forward, zoning and land use, clarify acronyms.

Stephanie Gencheff – looking forward to putting ideas of public involvement in place

Kendell Milton – small lots have already been allotted non-conforming lots in the AF district  
Ryan Soucy – eager to get started with the process to resolve our non-conformities and get things in line.

7. MOTION BY PLANNING COMMISSION TO CLOSE PLANNING COMMISSION MEETING.

Soucy moved, Mullen-Campbell supported to close the Planning Commission portion of the Joint meeting.

MOTION CARRIED

CONSIDER PER DIEM FOR BOARD REPRESENTATIVE GOING TO THE SOLID WASTE BOARD MEETINGS.

Zyburt moved, Rhein supported that the Township Board approves a Meeting Per Diem Rate of \$75.00 for Trustee Symbal to attend the Marquette County Solid Waste Board Meetings.

ROLL CALL VOTE

AYES: Rhein, Symbal, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Lynch

MOTION CARRIED

Symbal moved, Engle supported to change the above motion to indicated Trustee rather than attaching a name.

MOTION CARRIED

CONSIDER YEAR END BUDGET AMENDMENTS.

2022 GENERAL FUND BUDGET AMENDMENT TO REFLECT RECONCILING ENTRIES WITHIN THE GENERAL LEDGER.

Zyburt moved that

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 13, 2021 for fiscal year 2022, and Whereas, as a result of receipt of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

<b>BUDGET AMENDMENT</b>				
	<b>ACCOUNT</b>	<b>PREVIOUS BUDGET</b>	<b>CHANGE</b>	<b>AMENDED BUDGET</b>
101.526.956	General Fund - Sanitary Landfill - Misc.	23,000.00	200.00	23,200.00
101.285.951	General Fund - OGG - Contingency	200.00	(200.00)	-
				-
101.285.952	General Fund - Salary Contingency	10,027.50	(3,897.83)	6,129.67
101.103.702	General Fund - Twp Board - Salaries	131,040.00	81.00	131,121.00
101.253.702	General Fund - Treasurer - Salaries	46,800.00	25.04	46,825.04
101.285.709	General Fund - OGG - SS / Medi	-	283.05	283.05
101.285.910	General Fund - OGG - Ins & Bonds	43,758.00	3,468.74	47,226.74
101.215.802	General Fund - Publications	400.00	40.00	440.00
101.265.770	General Fund - Twp Hall & Grounds - Bldg Mntc.	8,000.00	17,275.89	25,275.89
101.265.957	General Fund - Twp Hall & Grounds - Capital Outlay	34,000.00	(17,275.89)	16,724.11
101.103.826	General Fund - Twp Board - Legal Fees (FOIA Settlement)	12,000.00	27,000.00	39,000.00
101.698.000	General Fund - Miscellaneous Revenue	31,850.00	27,000.00	58,850.00

Support by: Rhein

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED

2022 SEWER FUND BUDGET AMENDMENT TO REFLECT RECONCILING ENTRIES WITHIN THE GENERAL LEDGER.

Symbal moved that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Sewer Fund expenditures of the Township on December 13, 2021 for fiscal year 2022, and Whereas, as a result of receipt of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows: (as presented)

571.920.000	Sewer Fund - Utilities	51,000.00	8,500.00	59,500.00
571.571.951.000	Sewer Fund - Contingency	20,000.00	(8,500.00)	11,500.00

Support by: Zyburt

ROLL CALL VOTE:

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

NAYS: None

MOTION CARRIED

DISCUSS POLICE / FIRE INTERNSHIP PROGRAM.

Manager De Groot described the Internship Program for Police and Fire. In the initial campaign, we hired 2 part-time applicants moving forward in our police force. They are prescreened to go to the Police Academy. Both come from a background in criminal justice and are looking to work for us in the long term. Before they go to the Academy they do ride arounds with the Police and also do training with the Fire Department.

Sergeant Carrick described the cross-training program. By cross-training with the Fire Department, they will be better equipped to help handle situations when coming to the aide of the Fire Department. Once they complete the Police Academy, they will go into the Field Training Program.

Manager De Groot hopes that this will turn into a long-term training program. The funding part of this program, the State has enacted a program with COVID funds where the Academy tuition will be borne by the State, and the Township will be reimbursed up to \$4,000 for part-time wages.

White wondered if bad press had anything to do with the lack of interest in becoming a police officer. Sergeant Carrick indicated that it was a combination of bad press and cost. Manager De Groot indicated that in the interview process, it was pointed out that the bad press was the reason they were interested in going into public safety. As an example of good press, one of our former Chocoley officers – Zane Weaver- who has since gone on to be a State Trooper was recognized for his response to a fire scene which was successful in bringing people out of a burning building.

MANAGER UPDATE FOR THE SEWER AND BUDGET

Sewer – the punch list has been completed, and we are now finalizing the paper work.

Budget – our auditors are in house – everything seems to be going well. No significant issues have come forth at this time. We now have both sides (revenue and expenditures) going through the system. We should soon be able to start expanding how we are looking at things – fee schedules, room rentals, etc. We are getting to the final parts of where we need to be. Will be able to give quarterly reports. By the end of the year, we will be in a position to project costs. Staff will be working with the Clerk’s department on the roll out of the FOIA software. De Groot also indicated that he is happy to help educate the Planning Commission.

BOARD MEMBER COMMENTS

Don Rhein – Like having the discussion between the Planning Commission and Board, along with Attorney input.

Kendra Symbol – asked about the ETA on the new website. De Groot indicated we are doing testing on it – will plan on having a presentation to the Board in March. Symbol also thank Atty Zappa and the Planning Commission for being there.

Judy White – None.

Dave Lynch – Absent.

Ben Zyburt – Wanted to give Manager De Groot kudos on the internship program and thinking outside the box. Manager De Groot indicated that this was a team effort.

Max Engle – None.

Richard Bohjanen – asked that the Board members pay attention to the minutes and the correspondence at the end of the packet. Lots of information.

PUBLIC COMMENT – None.

Zyburt moved, Rhein supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:24 p.m.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of December 19, 2022, Draft
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of January 16, 2023, Draft.
- C. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of January 18, 2023, Draft.
- D. Minutes – Marquette County Solid Waste Management Authority, Town Hall Meeting of January 30, 2023, Draft.
- E. Minutes – Marquette County Solid Waste Management Authority, Town Hall Meeting of February 1, 2023, Draft.
- F. Minutes – Marquette Area Wastewater Advisory Board; Regular Meeting of January 15, 2023, Draft.
- G. Information – Marquette Area Wastewater Advisory Board, 2023 Regular Meeting Schedule.
- H. Information – Chocolay Township Newsletter – January 2023.
- I. Correspondence – D. Mulcahey, 633 Lakewood Lane

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, February 13, 2023 Minutes**

**I. Meeting Call to Order**

Chair Ryan Soucy called the meeting to order at 7:36 PM.

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
Donna Mullen-Campbell (Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

George Meister (Vice Chair)  
Rebecca Sloan

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

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

*Rhein moved, Gencheff seconded, to approve the agenda as presented.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

**IV. Minutes**

None – minutes were approved at the joint meeting earlier in the evening.

**V. Public Comment**

Jennifer Baldwin, 6565 US 41 South

Wanted to know why no public hearing was scheduled and would like to know what decisions were made regarding her property.

Soucy replied that he did not know what happened, but ensured Baldwin that the hearing would be on the agenda in March.

Gretchen Lakenen, Baldwin's realtor expressed her displeasure that the hearing did not take place and that notifications were not sent out about the hearing.

Soucy again apologized for the situation.

**VI. Public Hearings**

None

## **VII. Presentations**

None

## **VIII. Unfinished Business**

None

## **IX. New Business**

### **A. Joint Meeting Discussion**

#### **Staff Introduction**

Throenle stated that the focus of the discussion was to take the information received at the joint meeting earlier in the evening and formulate a plan regarding that information.

#### **Commissioner Discussion**

Rhein felt that priority number one should be to formulate questions for the public to answer with the FlashVote software that were related to the development of the new zoning ordinance. He suggested that questions should be mailed to Throenle prior to the next meeting.

Milton asked about FlashVote; Rhein gave a quick overview. Gencheff asked how the public would be involved in the process. Soucy responded that the process would be to develop the questions, choose the five the Commissioners wanted for the public to answer, and then discuss at the next meeting how that information would be given to the public for response.

Gencheff asked if the questions should be on one topic or multiple topics. Milton replied that the questions should be focused on the AF rezoning that was discussed. Soucy added that Meister and Sloan should be notified about the development of the questions.

Soucy stated that staff would come up with a suggested approach for the next meeting, and that the Commissioners would be revising that approach as they saw necessary.

Mullen-Campbell asked for a further clarification on the approach. Soucy replied that it would involve meeting with the public in a townhall meeting format or other methods that may be discussed.

Gencheff asked how the public would be notified. Rhein responded that media sources such as the newspaper and TV should be utilized.

Gencheff asked if notifications would be sent out to the public via email. Throenle responded that there was a small number of public email addresses that the Township acquired two years before, and that email addresses would be stored as part of the sign up process for the FlashVote. Soucy suggested that the first townhall meeting be an introduction to the FlashVote process so that the public would be educated about the overall process.

Gencheff asked how the public relations process would work. Rhein stated that the

Township Manager was the liaison between the Board and the Planning Commission and could be the point of contact for the public relations process.

Gencheff asked if email addresses could be collected at the Township office. Soucy responded that postcard notifications were very effective for reaching out to the public.

Soucy asked if Commissioners had other reactions to the joint meeting. Mullen-Campbell stated that controlled growth and rural character were important, and that smaller lots should be encouraged. She added that residents that she spoke with were concerned about their property rights, and that the legal information the Township attorney presented added gave her additional information.

Gencheff asked what the non-conformances would be by dropping acreage size from 20 to 10 acres. Rhein responded that the number dropped significantly. She asked what the impact would be by dropping to five in regards to comments from the Clerk in the previous meeting. Rhein responded that the Clerk could still do what he wanted as far as agricultural uses are concerned for his property because his property is in the Agricultural / Forestry district.

Soucy reminded the Commissioners that staff had previously presented a table showing the relation between the size of the acreage and non-conformances. Gencheff asked if dropping to ten acres would help the folks with the 17 acres. Throenle responded that 10 acres would not resolve the situation as they would need 20 acres to split; he added that the property was originally rezoned as RR-2, which established a five acre minimum in 1977. Gencheff asked if the property owner was "grandfathered." Throenle responded that the ordinance controlled the acreage size. Throenle added that the Township attorney pointed out that the parcels could be rezoned back to the zoning from 1977 without impacting the rural character or uses of the properties.

Gencheff asked about adjacent zoning to the property. Throenle stated that rezoning might be possible, but, as the attorney had pointed out, the uses currently on the property could not be restricted by a rezoning, which would happen by going from AF to R-1.

Soucy stated that the Commissioners had to get away from making decisions based on individual requests. Throenle responded that it did not matter who owned the property, as uses would be taken away if any property were rezoned from AF to R-1.

Soucy stated that statistical significance regarding FlashVote should be a goal of the Commissioners. He added that a minimum threshold should be established to determine the value of the responses.

## **X. Public Comment**

Jennifer Baldwin, 6565 US 41 South

Wanted to know what the process would be for the hearing. Soucy responded that she would see a notice in the newspaper about the hearing, that the hearing would be at the Planning Commission, and that the issue would be on the agenda as unfinished

business. He added that the process would be sent to the Board for a first and second reading. Rhein added that there would be a minimum of three months in the process. Throenle added that the Planning Commission meeting would be on March 20, and the Board meetings would be April 10 and May 8, assuming all went well.

Jason Copeman, realtor

Spoke about smaller lot sizes. His concern was that folks that wanted to stay on their property, especially those on fixed or limited incomes, could do so if there was an ability to sell a portion of the property to gain that revenue. He also spoke on statistical significance, indicating that the significance should be based on all participants receiving the information.

#### **XI. Commissioner's Comments**

Mullen-Campbell

Disappointed that there was no public hearing.

Gencheff

No comments.

Milton

No comments.

Soucy

No comments.

Rhein

No comments.

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

Planning / Zoning Administrator Throenle

Throenle asked the Commissioners what items they would like to see on the agenda for March.

Commissioners decided that four items should be on the agenda:

- 1) Public hearing for the 6565 US 41 property
- 2) FlashVote survey questions and questions regarding the process
- 3) Definitions
- 4) Breakdown of the non-conformances for the AF district

Gencheff asked about the uses table. Commissioners decided to move that to a future meeting.

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

None – documents were part of the joint meeting packet earlier in the evening.

#### **XIV. Adjournment**

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:05 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, March 20, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

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

Staff present:

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

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

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

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

**IV. Minutes**

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

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

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

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

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

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

**V. Public Comment**

Nancy Richards, 495 County Road 480

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

Missy Lehtomaki, Select Realty

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

interested parties.

## **VI. Public Hearings**

None

## **VII. Presentations**

None

## **VIII. Unfinished Business**

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

#### **Staff Introduction**

Throenle deferred the staff introduction to DeGroot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Commissioner Decision**

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

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

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

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

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

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

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

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

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

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

**Staff Introduction**

Throenle deferred the staff introduction to DeGroot.

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

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

## **Commissioner Discussion**

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

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

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

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

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

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

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

## **Commissioner Decision**

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

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

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

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

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

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

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

## C. Public Input Discussion / Survey Questions

### Staff Introduction

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

### Commissioner Discussion

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

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

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

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

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

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

### Commissioner Decision

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

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

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

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

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

**D. Proposed Zoning Ordinance Definitions**

**Staff Introduction**

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

**Commissioner Discussion**

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

**Commissioner Decision**

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

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

**IX. New Business**

None

**X. Public Comment**

None

**XI. Commissioner's Comments**

Rhein

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

Mullen-Campbell

Agreed with Rhein.

Sloan

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

Gencheff

No comments.

Milton

No comments.

Soucy

No comments.

Meister

No comments.

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

Planning / Zoning Administrator Throenle

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

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

Commissioners decided that three items should be on the agenda:

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

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

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

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

Rhein stated he would not be at the April meeting.

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

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

## **XIV. Adjournment**

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

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

Soucy adjourned the meeting at 8:05 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION  
Monday, April 17, 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)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

Don Rhein (Board)

Staff present:

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

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

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

*Soucy moved, Meister seconded, to approve the agenda as changed.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. March 20, 2023 Meeting**

Soucy requested a change of wording on page four of the minutes to change the second bullet point from residential district to industrial district for the findings of fact.

*Meister moved, Sloan seconded, to approve the March minutes as changed.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Maggie Johnson, 317 Lakewood Lane

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

Mike Johnson, 14 Allen Drive, Marquette

Spoke in support of permitting both attached and detached accessory dwelling units in

the Township. He detailed the limitations in the current zoning ordinance for footprint size for an accessory dwelling unit, and the difficulties involved in directly attaching to the current dwelling. He added a request to review who can live in the attached dwelling unit.

Michael Johnson, 317 Lakewood Lane

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

## **VI. Public Hearings**

### **A. #34-23-01 Proposed Changes for the Industrial Zoning District**

#### **Staff Introduction**

Throenle stated the purpose of the language change was to allow for a conditional use of residential in the Industrial zoning district. He emphasized that if the language was added, the Planning Commission would conduct a public hearing for a conditional use of residential for those wishing to add a residential use to their property in the future.

#### **Commissioner Decision**

*Sloan moved, Mullen-Campbell seconded, to open the public hearing.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **Public Hearing**

Nancy Holdwick, 1419 M-28 East

Spoke on both her and her husband's behalf. They questioned the reasoning behind the proposed changes and wanted clarification as to the details of the proposed changes.

Rusty Northrup, owner of Marquette Fence

Asked for the reasonings for putting residential in the Industrial district, especially since the residence would be surrounded by noise and dust.

Missy Lehtomaki, Select Realty

Stated the reasoning for the request was related to the residence located at 6565 US 41 South, which is located in the Industrial zoning district. She spoke as the representative of those wishing to purchase the property.

Sam Garrow, owner of Marquette Fence

Asked if the purpose of the request was to address one owner or the entire district.

Jessica Elliston, 240 Timberlane

Stated that the residential use would have to be approved as a conditional use, and that a residence could not be approved unless that occurred.

### **Commissioner Decision**

*Meister moved, Sloan seconded, to close the public hearing.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

### **VII. Presentations**

None

### **VIII. New Business**

#### **A. #34-23-01 Proposed Changes for the Industrial Zoning District**

##### **Commissioner Discussion**

Milton stated he did not feel it was a good idea to allow residential in the industrial district, as anyone coming in with a manufacturing change would be required to get a conditional use permit to enhance the industrial district. He felt that residential in the industrial district was not a good addition to the district, based on the industrial uses that would surround the residential use.

Gencheff stated that she agreed with Milton in principle for the future, but that the property in question on US 41 South was different in that it was built in the 1970s, and that the uses surrounding the properties were generally commercial. She added that the Commissioners should carefully consider changing some of the industrial districts to Commercial zoning. She also noted that large scale residential uses in the Industrial zoning district would not happen. Sloan added that was not the intent; Gencheff agreed.

Meister stated that the intent was not to open the industrial district to residential zoning, but to address the unique property issue on US 41 South. Sloan added that the key for her was that the surrounding businesses were generally commercial and not industrial. Meister added that the reason for the proposal was not only to address a single property, but also to allow business owners to consider adding a place to stay on their property if they chose to do so. He added that the reasons for adding a residence would have to be presented and approved, and that the purpose of this change was not to address only one property owner.

Soucy read the findings of facts from the March meeting; the decision was in conformance with the direction of the recently passed master plan, and that the use was reasonable in the Industrial district in some circumstances as determined by the Planning Commission.

Soucy stated that any residential use in the Industrial zoning district would be considered on a case-by-case basis.

Soucy asked Throenle to explain the options for a decision on the issue. Throenle stated that there are three options: 1) deny the change, 2) to add single family dwellings to the Industrial district as a conditional use, and 3) to add registered rentals as a conditional use to the Industrial district. He added that finding of facts had to be added no matter the decision.

### **Commissioner Decision**

*Sloan moved, and Gencheff seconded, that the proposed language for the Township Zoning Ordinance listed as change number 34-23-01 to add single family dwellings as a conditional use to the Industrial zoning district be accepted as presented with the following findings of fact:*

- 1) We find that it's under the Planning Commission purview to make recommendations that guide the control of development in the Township. This area is more commercial in nature with light industry. It is complementary to a mixed use neighborhood.*
- 2) We also find that it is in the general spirit of the master plan that this area is expected to evolve over time to become a mixed use neighborhood that is able to accommodate a variety of needs and uses.*

*Vote:           Ayes: 5    Nays: 1 (Milton) Motion carried*

### **Commissioner Discussion**

Commissioners discussed the conditional use for a registered rental dwelling in the Industrial zoning district. Sloan asked if the person requesting the residential use would have to know if the property was to be rented prior to getting approval for the conditional use. Throenle stated that two conditional use applications would have to be submitted; one for residential use on the property and the other to rent the property.

Soucy stated that the decision would be only allowed in particular circumstances. Meister added that caretakers or managers might be a possibility in the future; he was not in favor of an Airbnb-type rental.

Commissioners discussed how to ensure that future Planning Commissions understood the intent of the current Commission's intent. Meister suggested adding an intent statement in the ordinance language to clearly outline what the intent should be. Soucy asked for suggestions as for the intent language.

Meister proposed that the intent of the conditional rentals would be to allow employees or immediate family to be able to stay in proximity to the business and not to be open to general rentals. Soucy added that this would be added to the motion.

*Sloan moved, and Meister seconded that the proposed language for the Township Zoning Ordinance listed as change number 34-23-01 to add Registered Rental Dwellings as a conditional use to the Industrial zoning district, and a statement be accepted as revised with the following findings of fact:*

- 1) That an intent statement be added to the Township Zoning Ordinance that states the intent of the conditional rentals would be to allow employees or immediate family to be able to stay in proximity to the business and not to be open to general rentals.*
- 2) We find that it's under the Planning Commission purview to make*

*recommendations that guide the control of development in the Township. This area is more commercial in nature with light industry that is complementary to a mixed use neighborhood.*

- 3) *We also find that it is in the general spirit of the master plan that this area is expected to evolve over time to become a mixed use neighborhood that is able to accommodate a variety of local uses and needs.*

*and that the proposed language be forwarded to the Township Board for consideration.*

*Vote: Ayes: 5 Nays: 1 (Milton) Motion carried*

*Sloan moved, and Meister seconded that “and that the proposed language be forwarded to the Township Board for consideration” be added to the first motion.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

## **B. Final Site Plan Review Application SR 23-04 – Ironworkers Local 8 Training Facility**

### **Staff Introduction**

Throenle introduced the revised site plan from the Ironworkers Local 8 regarding a proposed training facility that will be located on M-28 East between the hotel and Nagelkirk. He stated the plan was a formal presentation that derived from a preliminary plan that was presented at the December 2022 meeting.

### **Commissioner Discussion**

Peter Dupuis, representing Gunlach Champion, outlined the plan for a commercial training facility for Ironworkers Local 8. He introduced Tim Roman, the business agent and training coordinator for the Ironworkers Local 8, and Ross Bennett, the chief estimator and project designer from Gunlach Champion.

Dupuis spoke on the internal details of the building and indicated that the only major change from the preliminary plan to this one was that the entry to the site moved to the east of the property from the west side. He indicated that the building height would not exceed 30 feet, and parking would be available on three sides of the building. He added that Bennett was working with MDOT to finalize the entry from M-28, and to address concerns regarding going over the bike path. He stated that there would be a septic system on site pending a perk test on the site from the Marquette Health Department, and that connection to the Township sewer system may be considered if the site did not pass the perk test.

Soucy asked what the proposed hours of use would be. Roman responded that the primary training would be February through April in blocks of time from 7 AM to 3:30 PM. He added that during non-training times, there would only be one or two staff members on site. He stated that there may be some additional training scheduled, and that there would be two social events during the year; one in the summer and the other at Christmas and scheduled quarterly meetings. He stated that there might be some Saturday training for welders.

Mullen-Campbell asked about the impact on the wedding venue next to them. Roman stated that there would be minimal impact as all noise would be contained within the building, and that training would generally end prior to a scheduled wedding.

Meister stated he was satisfied with the proposed use. He added that he wanted to know about the topography or grading since none was indicated on the plan, the sizing of the utilities, lighting specifications, and where the discharge point would be for stormwater. His concern for lighting was there were no mounting heights or specifications on lighting types indicated. He added that his primary concern was the location of stormwater retention.

Soucy indicated that the main items to look at were the driveway and the stormwater drainage.

Meister asked Throenle about the screening requirement from the commercial neighbors; Throenle responded there was no requirement for that, as they were designed for commercial to residential.

Sloan asked how far away that trainees would come for training; Roman responded that some traveled from Milwaukee to receive training in the Upper Peninsula.

Gencheff asked about the increase in parking from the preliminary plan; Dupuis responded that would be to cover the two large events that occur each year, and Ross added that was also to address the number of spots required in the zoning ordinance based on the square footage of the building.

Meister asked about machinery that may be parked in the back of the building; he asked that the storage be designated on the site plan.

Soucy asked what was driving the need for the training facility. Roman responded that the primary reasons were shortage of workers and a need for a permanent facility. Soucy added that it was a key regional project.

### **Commissioner Decision**

*After Commissioner review, Meister moved, Milton seconded, that Site Plan Review Application SR 21-64 be approved with the following conditions:*

- 1) Complete proposed grading*
- 2) Proposed lighting per the application requirements*
- 3) Demarcation of where outdoor storage in the back*
- 4) Depiction that the stormwater retention is adequate and where the outflow will be*
- 5) All pending permits are secured*

*Vote:       Ayes: 6   Nays: 0       Motion carried*

## **IX. Unfinished Business**

### **A. Proposed Zoning Ordinance Definitions**

#### **Staff Introduction**

Throenle stated that the definitions presented are from other sections within the Township *Zoning Ordinance*. He added that page one of the definition document included definitions that had been considered previously but were not finished.

Gencheff asked why carports were not included in the ground cover ratio definition. Throenle responded that he was not sure as that was a carryover from the 1977 ordinance. Meister said that there were reasons stated in the past, but he could not directly remember what they were. He added that some communities added carports to the ground cover ratios, while others did not. Throenle added that the time to update the language would be now if there were changes that should be made.

Milton added that the primary reason for consideration was the amount of infiltration that would occur. Meister added that the ratio was also important to reduce the overall urban look of a property.

Meister asked Throenle to look up ground cover ratio in the zoning ordinance to see how it was being used. Throenle found the floor area ratio information in section 6.1 (C), and the ground cover ratio in sections 6.1 (D) and 10.2.B.e for Planned Unit Developments. He added that those were specific to the MFR, C and I zoning districts.

Commissioners discussed whether to keep the floor area ratio and ground cover ratio definitions as they seemed to be redundant. Commissioners decided to remove the floor area ratio definition and to modify the ground cover ratio definition. Commissioners suggested changing the language in 6.1 to remove item C and modify D to make it ground cover ratio and change the percent in MFR to 40 percent.

Meister asked why woodlots were excluded from the agriculture definition. After further discussion, Commissioners decided to remove the woodlot exception from the definition.

Gencheff asked about the 30 per cent ratio for the accessory dwelling unit. She asked if the percentage should be upped to 50 per cent, and if who uses the accessory dwelling unit could be changed to accommodate additional family members or caretakers. She added that she preferred that the accessory dwelling unit should be attached. Meister responded that sometimes it is more difficult to make it attached than it is to build detached, especially when trying to do things such as plumbing and match roof lines. Milton requested that caregivers be included in the list of those that could stay in the dwelling unit.

Throenle stated that he would research what the City of Marquette did with accessory dwelling units and bring back that information back to a future meeting. Meister requested that Throenle add wells and sewage disposal to that research to determine how that would be handled with separate units.

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

## **X. Public Comment**

Maggie Johnson, 317 Lakewood Lane

Spoke in support of increasing the size of detached accessory dwelling units and detaching the accessory dwelling units. She also addressed the cost and use of the unit after the original unit was no longer used as an accessory dwelling unit .

Michael Johnson, 317 Lakewood Lane

Spoke on the size of his lot and stated that an accessory dwelling unit would not absorb much of his property.

Nancy Holdwick, 1419 M-28 East

Thanked the Commissioners for letting her speak earlier in the meeting. She also spoke on the vagueness and confusion in the language of the notices that were sent out in the mail. She added comments related to the rental next to her property and complimented the Commissioners on the rental part of the Industrial zoning district discussion.

## **XI. Commissioner's Comments**

Milton

No comments.

Gencheff

Expressed a concern that the Township was getting dangerously close to adding two residences to a property. She was looking forward to seeing what the City of Marquette had in its language.

Meister

Expressed questions regarding rentals as a result of the accessory dwelling unit question.

Soucy

Stated that he hopes that the Township digs deeper into the housing issue to determine what is best for the Township. He said he would provide additional resources for the next meeting.

Sloan

Stated comments related to rentals. She thanked Soucy for his leadership during the meeting, especially during the site plan review motion.

Mullen-Campbell

Options should be explored regarding aging in place.

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

Planning / Zoning Administrator Throenle

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

Commissioners decided that three items should be on the agenda:

- 1) Conditional use / site plan combination
- 2) Definitions
- 3) Agriculture district discussion

Meister asked about the survey. Throenle stated the marketing plan is the next step in the FlashVote process.

Soucy and Mullen-Campbell stated that they may not be available for the next meeting.

Throenle asked the Commissioners to review the handout on training and to contact Suzanne Sundell if a Commissioner wished to attend training.

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

- A.** Township Board minutes – 03.13.23
- B.** Township Newsletter – March 2023
- C.** Marquette County Planning Commission minutes 03.01.23
- D.** City of Marquette Planning Commission minutes 03.07.23

### **XIV. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 7:52 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION  
Monday, May 15, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

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

Members absent at roll call:

Donna Mullen-Campbell (Secretary)

Staff present:

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

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

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. April 17, 2023 Meeting**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Maggie Johnson, 317 Lakewood Lane

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

**VI. Presentations**

None

## **VII. New Business**

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

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **Staff Introduction**

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

#### **Public Hearing**

##### ***Commissioner Decision***

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

##### ***Public Comment***

Olivia Carlson, 160 East Wright Street

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

Nancy Fradette, 126 West Terrace

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

James Fradette, 126 West Terrace

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

Carl Besola, 6262 US 41 South

He spoke in support of the project.

##### ***Commissioner Decision***

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

##### **Commissioner Discussion**

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

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

Soucy requested an overview of the project from the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Commissioner Decision**

*Soucy moved, Rhein seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-11, and the understanding that the proposed use is compliant with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and the intent of the Township Zoning Ordinance, the Planning Commission approves Conditional Use Permit 23-11 with the following conditions:*

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

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

#### **Staff Introduction**

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

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

### **Commissioner Discussion**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Commissioner Decision**

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

## **C. Planning Commission Training – Site Plan Review.**

### **Staff Introduction**

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

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

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

## **VIII. Unfinished Business**

### **A. Proposed Zoning Ordinance Definitions**

#### **Staff Introduction**

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

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

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

definitions by the next meeting.

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

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

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

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

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

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

#### **B. Proposed Agriculture Zoning District Language**

Soucy tabled this item until a future meeting.

#### **IX. Public Comment**

Maggie Johnson, 317 Lakewood Lane

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

#### **X. Commissioner's Comments**

Rhein

No comments.

Sloan

No comments.

Milton

No comments.

Soucy

Expressed a "good work" compliment to the Commissioners.

Meister

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

Gencheff

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

## **XI. Director's Report**

Planning / Zoning Administrator Throenle

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

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

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

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

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

Commissioners decided that three items should be on the agenda:

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

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

## **XII. Informational Items and Correspondence**

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

## **XIII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 7:47 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, June 19, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
George Meister (Vice Chair)  
Donna Mullen-Campbell (Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

Rebecca Sloan (Vice Secretary)

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

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

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. May 15, 2023 Meeting**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Bill Sanders, 105 Country Lane

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

Deborah Mulcahey, 633 Lakewood Lane

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

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

Frank Jeffries, 545 Mangum Road

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

Rich Reader, 333 Green Garden Road

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

## **VI. Presentations**

None

## **VII. New Business**

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

#### **Staff Introduction**

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

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

#### **Commissioner Discussion**

Soucy stated the following findings of fact for discussion:

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

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

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

#### **Commissioner Decision**

*Mullen-Campbell moved, Rhein seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-19, and the understanding that the proposed use is compliant with all terms of Section 16.2*

*Conditional Use Permits Basis of Determination and General Standards and the intent of the Township Zoning Ordinance, the Planning Commission approves Conditional Use Permit 23-19 as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

## **VIII. Unfinished Business**

### **A. Proposed Zoning Ordinance Definitions**

#### **Staff Introduction**

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

#### **Commissioner Discussion**

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

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

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

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

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

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

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

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

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

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

## **B. Proposed Agriculture Zoning District Language**

### **Staff Introduction**

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

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

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

### **Commissioner Discussion**

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

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

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

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

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

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

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

## **C. Proposed Land Uses**

### **Commissioner Discussion**

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

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

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

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

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

## **VII. New Business**

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

#### **Staff Introduction**

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

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

#### **Public Hearing**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **Public Hearing Comment**

Kathy Aalto, 430 Foster Creek Drive

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

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

### **Commissioner Discussion**

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

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

### **Commissioner Decision**

*Soucy moved, Milton seconded, that the zoning for the parcel known as 52-02-135-016-02 located at 537 West Branch Road be changed from State Lands to Agriculture / Forestry (AF), and the rezoning be sent to the Township Board for consideration, pending legal review.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

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

## **IX. Public Comment**

None

## **X. Commissioner's Comments**

Milton

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

Gencheff

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

Mullen-Campbell

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

completed.

Rhein

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

Meister

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

Soucy

No comments.

## **XI. Director’s Report**

Planning / Zoning Administrator Throenle

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

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

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

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

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

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

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

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

Throenle again thanked the Commissioners for their extended participation.

**XII. Informational Items and Correspondence**

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

**XIII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 9:30 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, July 17, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
George Meister (Vice Chair)  
Donna Mullen-Campbell (Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

Rebecca Sloan (Vice Secretary)

Staff present:

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

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

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. June 19, 2023 Meeting**

Soucy expressed a concern received from Deboah Mulcahey that the minutes did not accurately reflect Mulcahey's comments. Commissioners discussed the comments and recommended that staff review the comments for the next meeting.

*Mullen-Campbell moved, Rhein seconded, to add to Ms. Mulcahey's comments.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Bill Sanders, 105 Country Lane

Read his email sent to the Commissioners on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district in relation to the master plan.

Deborah Mulcahey, 633 Lakewood Lane

Agreed with Sander's comments, spoke on missing comments in minutes, the

importance of minutes, and the gathering of information from the public in regards to the agriculture discussion.

## **VI. Presentations**

None

## **VII. Unfinished Business**

### **A. Proposed Zoning Ordinance Definitions**

#### **Staff Introduction**

Throenle stated that the definitions were presented as a final draft. He stated that six definitions were added to cover State-mandated additions, and asked the Commissioners to review the state definitions to determine if the language was sufficient.

#### **Commissioner Discussion**

Soucy stated that he was in favor of leaving the State definitions as written. Gencheff asked if the definitions could be changed if they were state-mandated. Throenle responded that minor changes could be written to make the definition more readable.

Meister asked if the definitions could include a statement that said they were from the State so that if the definition changed the ordinance would not have to change.

Gencheff asked if the requirement was to include all the State-required facilities in the residential district; Throenle responded that was the case.

Soucy questioned the location of child care centers; he felt that the requirement was not in the language to require location in a residential district. After further discussion, Soucy requested that staff look into that to clear up the confusion.

Gencheff pointed out that there was a conflict in use for group child care home in the use table; the table showed conditional, where it should show permitted.

Meister asked about the note included above the definitions in the document. Throenle stated that it was designed for information only. Meister asked if the state definitions could be referenced in that section, instead of including the direct language in the ordinance. Soucy added that definitions should be included to establish a way to directly find the necessary definitions.

#### **Commissioner Decision**

*Rhein moved, Meister seconded, that after Commissioner review the proposed zoning ordinance definitions be approved as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

### **B. Proposed Agriculture Zoning District Language**

#### **Staff Introduction**

Throenle stated that the discussion was a continuation of previous meeting discussions.

### **Commissioner Discussion**

Gencheff asked about medium density in AG 1. She pointed out there was a discrepancy in density between two pages in the document. Throenle stated she was correct that medium density was the determination.

Commissioners discussed the differentiation of density across the three districts. Soucy added that the discussion was an exploration of the possibilities for each district, and that the Commissioners were developing a concept for the public to review.

Gencheff asked where the districts would be located, and how would they identified. Meister stated that the intent was not to make new small parcels, but to adjust the parcels to meet what already existed. He requested that maps be drafted to see where the different parcel sizes would be. Throenle added the intent was to review and adjust acreage for those parcels that were changed in 2008; he stated that it was not the intent to set parcels up for development.

Meister added that the smaller parcels should not be held to the same constraints as those that have larger acreage. He requested that staff come back with maps showing the relationship with the language the Commissioners are trying to develop.

Commissioners continued to discuss the mapping and locations of the proposed districts. Throenle added that staff could provide the requested maps.

Throenle asked if there were any changes requested for the proposed language. Gencheff asked if AG 1 should be changed to one to three acres; Throenle responded it would be better to state less than three acres to accommodate the smaller parcels with the understanding that the County Health Department would determine if there was adequate space for well and septic on the property prior to building.

Meister added a request to state that an AG 1 lot could not be divided into lots less than one acre. Soucy requested the language be considered a regulation; Throenle added the statement in the regulations section of the proposed document.

Meister stated he had a question about the examples under the medium processing, and whether any of those should be included in the agricultural districts. Throenle stated that they were listed as not permitted; Meister asked if that should be reconsidered. Commissioners decided to change the requirement to conditional in AG 2 and AG 3 for parcels of 20 acres or more.

Soucy asked that child care center be highlighted across the uses as well.

### **C. Proposed Zoning District Intent Statements and Land Uses**

#### **Staff Introduction**

Throenle stated that the use table covered all uses across all zoning districts. He requested Commissioners review the intent statements and the use table.

#### **Commissioner Discussion**

Gencheff pointed out that medium density should be added to the AG 1 intent

statement; Commissioners decided to change the density statement to low in AG 1 and AG 2 districts.

Commissioners discussed mobile home parks. Meister expressed that the intent was to provide multi-family units in higher density residential with mobile home parks set as a conditional use. Commissioners agreed on the change.

Commissioners discussed the proposed use cross reference table. Gencheff asked how many accessory dwelling units could be allowed on the property. Throenle and Rhein stated that the language regarding that would be decided later on when discussing the language within the ordinance.

Commissioners changed the accessory dwelling unit MU district to conditional use.

They changed accessory residential home occupation – tier 1 and tier 2 to conditional use in the I district and changed the daycare example to relative care.

Commissioners changed the CR district to conditional use for accessory structure.

Commissioners added sales to the title for agriculture – commercial soil modifications.

Commissioners changed the CR district to conditional use for auditorium and place for public assembly.

Commissioners changed the I district to conditional use for charitable or philanthropic organization sales.

Staff will research the child care center uses.

Commissioners changed the GP district to conditional use for commercial recreation – indoor and commercial recreation - outdoor.

Commissioners changed the MFR district to conditional use for culture center.

Commissioners changed the MFR and MU districts to conditional use for emergency services facility.

Commissioners changed the AG 2 and AG 3 districts to conditional for the food packaging and bottling works.

Commissioners changed the AG 2 and AG 3 districts to not permitted for the food truck or other mobile vendor as a principal use of a lot.

Commissioners changed the MU district to conditional use for funeral home.

Commissioners changed the CR district to conditional use 40 acres minimum for hunting or shooting preserve; staff will look at state requirements for a hunting or shooting preserve.

Commissioners added outdoor drive-in theatre with conditional use in the AG 1, AG 2, AG 3, I, and MU districts.

Commissioners split kennel into indoor and outdoor, with conditional for the indoor in the AG 1, AG 2, AG 3, I, and MU districts.

Commissioners changed the AG 1, AG 2, and AG 3 districts to conditional use for

light intensity processing with accessory storage.

Commissioners changed the AG 1, AG 2 and MFR districts to conditional use for medical clinic.

Commissioners changed the AG 2 and AG 3 districts to conditional 20 acres minimum use for medium intensity processing and handling.

Commissioners changed the MFR district to conditional use for mobile home park.

Commissioners removed funeral services and gas station from the examples for moderate regional commercial - moderate traffic intensity.

Commissioners changed the AG 1, AG 2 and AG 3 districts to conditional use for outdoor food and beverage service.

Commissioners changed the I, MFR, MU, R1, R2, and SR districts to conditional use for planned unit development.

Commissioners changed the AG 1, AG 2, and AG 3 districts to conditional use for private club.

Commissioners added not related to agriculture to retail food and drink.

Commissioners added not related to agriculture to retail sales.

Commissioners changed the AG 2 and AG 3 districts to permitted use 20 acres for riding stable or animal breeding facility accessory to a residence.

Commissioners changed the AG 2 and I districts to conditional use, and not permitted in GP for site condominiums.

Commissioners changed the MFR, MU, R1, R2 and SR districts to conditional use for solar energy system (SES) – accessory ground mounted

Staff will look at State law to see if large commercial arrays can be left out of an ordinance.

Commissioners changed the MFR district to conditional use for transportation – high impact.

Staff will look at the State mandates to determine if wind energy conservation systems must be included in the ordinance.

Commissioners changed the CR district to conditional use for wildlife management.

Commissioners changed the CR district to not permitted and the MU district to conditional use for wireless communication facility.

Throenle stated he would bring the revised chart to a future meeting.

## **VIII. New Business**

### **A. Proposed Zoning Ordinance Document Layout**

#### **Staff Introduction**

Throenle stated that he extracted the document layout from the master plan to

prepare for inclusion of language as it is written in the future, with a cross-reference to the current zoning ordinance. He added that a cross-reference document was included to show the relationship to the current zoning ordinance.

### **Commissioner Discussion**

Soucy recommended that section 5.3 be changed to 5.1, and numbering would change within the section to match the change; Meister agreed.

Commissioners discussed the location of site plan review and conditional use, and decided to keep the sections where they are.

Throenle indicated that there were sections identified at the end of the document that were not referenced in the new format.

### **Commissioner Decision**

*Meister moved, Rhein seconded, that the proposed zoning ordinance document be approved as revised.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

## **IX. Public Comment**

Bill Sanders, 105 Country Lane

Spoke on uses such as solar and wind that had to be included, and to do so as conditional uses. He added comments in support of the inclusion of a one-page summary of site plan review and conditional use, and spoke about the AF property sizes.

Richard Bohjanen, 140 Edgewood Drive

Added a humorous comment that “grow things” was not discussed in relation to uses in the agriculture district.

## **X. Commissioner’s Comments**

Rhein

No comments.

Gencheff

Expressed that she was concerned about promoting sprawl.

Milton

Asked if the Parker property was going to be a contractor yard. Throenle responded that the equipment was being used for the properties within the development.

Mullen-Campbell

Felt that it was a good work session, and that everyone was asking good questions.

Soucy

Thanked the Commissioners for a good job.

Meister

Stated that it was good meeting, with the bonus of completing the agenda. He added

it would be good to continue to look at the solar and wind energy requirements.

## **XI. Director's Report**

Planning / Zoning Administrator Throenle

Throenle stated the next meeting on August 21 would be a joint meeting with the Board that starts at 6 PM, and the regular meeting would start at 7:30 PM.

He added that the Board had two agenda items; the first would be a presentation on where the Commissioners were on the AF topic, and the second would be a discussion on the minimum square footage requirement for a residential development; Rhein followed with additional information on the square footage topic.

Throenle stated that the agenda for the 7:30 meeting would be a discussion of the topics from the joint meeting, and that items discussed during tonight's meeting would be brought back in September.

Throenle again thanked the Commissioners for finishing off the definitions and the use table.

## **XII. Informational Items and Correspondence**

- A. Township Board minutes – 06.12.23
- B. Marquette County Planning Commission minutes 06.07.23 draft
- C. City of Marquette Planning Commission minutes 05.16.23
- D. City of Marquette Planning Commission minutes 06.06.23

## **XIII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:26 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

August 21, 2023

The joint meeting of the Chocolay Township Board and the Chocolay Township Planning Commission was held on Monday, August 21, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Don Rhein

ABSENT: Judy White (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell, Dale Throenle

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT

The Johnsons, Lakewood Lane – have attended several meetings where accessory housing was on the agenda. Interested in finding out changes that are being considered. They have three issues: (1) detached versus attached unit; (2) size of unit – 1,000 square feet to accommodate a barrier free home; and (3) what happens to unit after initial use.

Deborah Mulcahey, 633 Lakewood Lane – spoke on keeping things legal and accurately reflecting data in minutes. Feels entire community has not spoken in regard to the zoning changes that are being proposed – she supports the concept of allowing smaller homes. Mulcahey wondered about the problems with non-conforming properties as there has only been one ZBA meeting in the past 12 months. She is opposed to changes in Agricultural / Forestry and feels the Township is fixing a problem that doesn't exist. Does not support changing waterfront from 125' to 100'. Use Flashvote to find out what residents want.

Frank Jeffries, 545 Mangum Road – questioned what is actually being done with the rezoning – would like to understand this better. (Supervisor Bohjanen indicated this will be discussed later in the agenda.)

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, July 10, 2023.
- B. Approve Revenue and Expenditure Reports – July 2023.
- C. Approve the Quarterly Financial Reports – Second Quarter (April – June) 2023.
- D. Approve Bills Payable, Check Register Reports – July 11, 2023 (Check # 26236 - 26259, in the amount of \$35,985.47), July 20, 2023 (Check #26260 – 26283, in the amount of 65,197.52), and July 28, 2023 (Check # 26284 – 26295, in the amount of \$18,102.10).

- E. Approve Bills Payable – Regular Payroll of July 6, 2023 (Check #'s DD3429 – DD3466 and Check #'s 11381 – 11386, Federal, State, and MERS in the amount of \$49,716.54), and Regular Payroll of July 20, 2023 (Check #'s DD3467 – DD3494 and Check #'s 11387 – 11392, Federal State, and MERS in the amount of \$49,083.79).

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

MOTION CARRIED

#### SUPERVISOR'S REPORT

Supervisor Bohjanen introduced the two newest members of the Chocolay Township Police Department – Mason Mitchell and Tyler Harvala. They have just completed the Police Academy and graduated on August 18.

Bohjanen feels there is a significant amount of concern in not getting the public's input regarding zoning changes. Zoning is a living document and changes with time. Later in the meeting, there will be a discussion between the Township Board and the Planning Commission about this subject. Only a small representation of the public is in attendance at the meetings, but there is a plan to have community meetings, use Flashvote to get public input, followed by public hearings, 2 readings and then adoption. This is a long process and hopefully will involve a lot of input from the public.

#### CLERK'S REPORT

Clerk Engle indicated that more laws have passed, but there is still not a lot of clarity on the 2024 election process. Engle suggested that on the Presidential Primary it may be best to wait until closer to the election to vote, as there tends to be many candidates that drop out before the actual election. Once the ballot has been cast through the tabulator there is no opportunity to spoil the ballot and change your vote.

TREASURER'S REPORT - NONE

PUBLIC HEARING – NONE

PRESENTATIONS - NONE

#### JOINT MEETING WITH THE PLANNING COMMISSION

The Chocolay Township Planning Commission was asked to join the joint meeting – called to order by Chair Soucy at 6:18 pm

#### PLANNING COMMISSION

PRESENT: Ryan Soucy (Chair), Donna Mullen-Campbell, Kendell Milton, Stephanie Gencheff, Don Rhein

ABSENT: George Meister, Rebecca Sloan

APPROVAL OF AGENDA.

Milton moved, Mullen-Campbell supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on keeping things legal and accurately reflecting data in minutes. Feels entire community has not spoken in regard to the zoning changes that are being proposed – she supports the concept of allowing smaller homes. Mulcahey wondered about the problems with non-conforming properties as there has only been ZBA meeting in the past 12 months. She is opposed to changes in Agricultural / Forestry and feels the Township is fixing a problem that doesn't exist. Does not support changing waterfront from 125' to 100'. Use Flashvote to find out what residents want.

- A/F FRAMEWORK PRESENTATION BY PLANNING COMMISSION

Chair Soucy explained that the Planning Commission's task was to develop a proposed plan for the AF zoning district to strike a balance between eliminating non-conformity, allow for the reasonable splitting of lots, and preserve the integrity and character of the Township's rural areas in a way that mitigates the possibility of sprawl. This has now been narrowed down to a framework that reflects the 1977 Zoning Ordinance by breaking the AF district into three districts. These districts are differentiated by intent, size, and use. These may look like:

AF 1 – under 3 acres (rural residential area)

AF 2 – between 3 – 15 acres (hobby farms to allow for more agricultural uses)

AF 3 – over 15 acres (more of the larger scale farming operations)

More public input would need to be gathered to see if this may be an option. Neighborhood scale with town hall meetings throughout the Township. Possibly some small scale maps.

Milton feels that the Planning Commission came up with a format that is easy to read in explaining the types of changes that are being proposed. This is more of a list type proposal.

Gencheff explained that the Planning Commission will not be creating any smaller lots, just trying to bring more areas into conformity.

Supervisor Bohjanen commented that the rezoning that took place in 2008 took the rural residential properties and made them AF, which at the same time made them non-conforming to AF. This seems to affect three areas where property rights were taken away from them. The whole object of this new process is not to take people's rights away from them, but to add uses and rights back. The Township has talked with the attorney on this. The public did not have that much input into the 2008 Zoning Ordinance. The Zoning Board of Appeals has been stable at this point because the property ownership has been stable. It is now coming to a generational change where it may not be as stable anymore.

Rhein indicated that this has been a long drawn-out process, and he feels they are doing their due diligence to reach out to the residents.

Engle stated that he lives in a non-conforming parcel. He has not had a problem but has known people that are trying to sell in his area that are having problems. Bohjanen indicated that there are many different size lots on Karen Road.

Bohjanen stated that the agricultural aspect has diminished – people that are farming already have the land. Others don't want to farm.

Bohjanen also stated that there has been talk about possibly having Agricultural (AG 1, AG 2, and AG 3) as its own zoning district, and keeping Forestry separate, because of the difference between open fields and forest.

Township Manager De Groot indicated that the Township has never declared state lands with an underlying land use. 31% of the land in the Township (which is owned by the State) is not zoned.

- TOWN HALL MEETINGS – TIMING, DUTY, AND ATTENDANCE

Bohjanen indicated that the Planning Commission will be moving forward with a document, possibly by spring / summer of 2024. Mullen-Campbell wondered if this is something that the Planning Commission should try to accomplish by the February 2024 joint meeting. Bohjanen indicated that would be an acceptable time frame.

Bohjanen feels that having three town hall meetings would be the most effective. Soucy indicated that he feels they should be based on location and meet people where they are to give people a chance to attend. Bohjanen indicated that everyone within the districts should be given notice for the town hall meetings.

Soucy feels that releasing a map on what this proposed zoning may look like, it will draw immediate scrutiny on what the Planning Commission is trying to accomplish. Doing it in smaller sections may help mitigate some of the comments.

Bohjanen asked how Flashvote can be used to gain insight. Rhein suggested starting simple to find out what people actually know about the zoning. Soucy indicated that would help the Planning Commission know what needs to be addressed at the town hall meetings.

De Groot stated that having a map for land use categories that don't exist could be very confusing. It may be better to do maps based on roads, not parcels. The Township has the power to rezone with public input – the danger is on what is enough public input. Need to be able to take a concept to the public, and then get feedback from the public. One thing that needs to be settled is the question (which was not addressed in 2008) if base zoning exists at the AF level for State-owned property. With the State looking at selling their

property, how we look at base zoning is important. Bohjanen feels that in that case Forestry should be what looks like forestry, and Agricultural should be agriculture.

Soucy questioned what kind of buy-in is needed for State land. De Groot indicated that what can be done is a statement at the beginning of the Zoning Ordinance stating that “upon sale of State land private base zoning exists”. Base zoning would need to be identified for this statement.

- STRUCTURE SIZE BELOW 800 SQUARE FEET

Soucy indicated that the Planning Commission is looking at the possibility of tiny homes and ADUs. They have looked at a variety of sources (such as AARP) along with the fact that we are in a regional housing crisis. Supply and demand in the housing market are driving up prices, which makes it very challenging for younger people with smaller budgets to find housing. The addition of tiny homes could be a possibility in helping to solve this problem.

Bohjanen asked if this would require just amending dimension requirements or does this require another zoning district. Soucy felt that this could fall under “Special Use” or possibly a tiny home community. Bohjanen indicated that a tiny home community would require a developer. Gencheff feels that the size requirement should be lowered and tiny homes permitted. Rhein feels that we shouldn’t go too small – there needs to be a limit (such as 720 sq. ft.). This is also something that should go to the Town Hall Meetings.

Mullen-Campbell wondered if “homesteads” need to be considered, and how they would be sold.

Soucy indicated that the Planning Commission will come up with Flashvote questions at their regular meeting following the joint meeting.

MANAGER UPDATE FOR SEWER AND BUDGET

Sewer – Manager De Groot stated that the final reconciliation and punch list are done. Everything has been submitted to the state to close out the project.

Budget – staff has been working diligently, and the draft will be presented at the next meeting in September. December is the last month to approve the budget. We are not expecting any big projects going into 2024, unless they are funded by grant funds.

BOARD MEMBER COMMENTS

Don Rhein – None

Kendra Symbal – Absent

Judy White – Absent

Dave Lynch – None

Ben Zybert – None

Max Engle - None

Richard Bohjanen – None

**PUBLIC COMMENT**

Deborah Mulcahey, 633 Lakewood Lane – spoke on people not going before the Zoning Board of Appeals. She feels that there are lots of changes, so does not agree with references to no changeovers. Questioned how bank or insurance company would know if a property is non-conforming. Spoke on the implications of changing the zoning district – taking. Applauds the idea of community and town hall meetings. Feels we need to find ways to get the information out to the public. As we move forward in doing presentation to the community, she feels it is sometimes difficult to follow what zoning is about – need to “dummy it down”.

The Johnsons, Lakewood Lane – just wondered if any decisions have been made, and how does this apply the accessory housing.

Frank Jeffries, 545 Mangum Road – spoke on the cost of building – young people are not able to afford. This is a heavy load for the next generation.

Zyburt moved, Rhein supported that the meeting be adjourned.

**MOTION CARRIED**

The meeting was adjourned at 7:22 pm.

**PLANNING COMMISSION PUBLIC COMMENT**

Deborah Mulcahey, 633 Lakewood Lane – spoke on people not going before the Zoning Board of Appeals. She feels that there are lots of changes, so does not agree with references to no changeovers. Questioned how bank or insurance company would know if a property is non-conforming. Spoke on the implications of changing the zoning district – taking. Applauds the idea of community and town hall meetings. Feels we need to find ways to get the information out to the public. As we move forward in doing presentation to the community, she feels it is sometimes difficult to follow what zoning is about – need to “dummy it down”.

Johnson, Lakewood Lane – feels the Planning Commission needs to keep in mind that with an aging population the need for barrier free square footage.

Rhein moved, Mullen Campbell supported that the meeting be adjourned.

**MOTION CARRIED**

**INFORMATIONAL REPORTS AND COMMUNICATIONS.**

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of June 19, 2023, Revised Draft.
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of July 17, 2023, Draft.

- C. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of July 3, 2023.
- D. Minutes – Marquette County Solid Waste Management Authority, Work Session Meeting of July 19, 2023, Draft.
- E. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of July 19, 2023, Draft.
- F. Minutes – Marquette Area Wastewater Advisory Board, Regular Meeting of June 15, 2023.
- G. Information – Chocolay Township Newsletter – June 2023
- H. Information – Chocolay Township Newsletter – July 2023.
- I. Correspondence – D. Mulcahey, 633 Lakewood Lane.
- J. Correspondence – B. Sanders, Sanders & Czapski Associates, LLC.
- K. Correspondence – M. James, 1805 M28 East.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, August 21, 2023 Minutes**

**I. Meeting Call to Order**

Chair Ryan Soucy called the meeting to order at 7:30 PM.

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
Donna Mullen-Campbell (Secretary)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

George Meister (Vice Chair)  
Rebecca Sloan (Vice Secretary)

Staff present:

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

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

*Rhein moved, Milton seconded, to approve the agenda as presented.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

**IV. Minutes**

**A. June 19, 2023 Meeting**

**B. July 17, 2023 Meeting**

Soucy requested that both sets of minutes be approved together.

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

**V. Public Comment**

None

**VI. Presentations**

None

**VII. Unfinished Business**

None

## **VIII. New Business**

### **A. Joint Meeting Debrief**

#### **Commissioner Discussion**

Soucy recommended the Commissioners start with the AF district discussion and asked for comments from DeGroot.

DeGroot stated that he was pleased regarding the amount of discussion on the issue. He added that it was time to ask the community about the future direction.

Soucy stated that feedback was necessary for the issue to be presented to the community. He asked for Commissioners for ideas related to the township hall meetings (such as charettes and maps).

Rhein stated that using maps needed to be done with the idea that the public would look at the maps as “final”, and that needed to be done with caution.

Gencheff stated that the maps would be important as the public would want to know what district they are associated with. Soucy stated that it would be better to ask what district they wanted to be in; Rhein agreed with the concept. Milton stated that information on the issue was readily available, and easy to understand. Gencheff asked what happens if only a few show up at the meetings; Rhein suggested that FlashVote be used to gain additional information, which would give additional sources for the decision process.

Gencheff stated that she had attended a Michigan Township Association meeting, and asked questions about getting the public involved in the process. She suggested sending FlashVote notifications with the tax bills. She stated she was not happy with the advertising cards that were sent out previously with the notice about FlashVote.

Commissioners discussed the use of email for notification purposes. Gencheff asked what the obstacles were concerning sending out emails; Throenle stated that sending out mass emails generally wound up in junk folders and that it was difficult to get people to sign up for the email process. Throenle added that the fastest way to get information out in the Township was word of mouth. He added that inserts with the tax bills were additional costs that would have to be considered. DeGroot added that communication methods were researched and reviewed in the past, and the communication issue that existed in the past and now is very similar. He suggested that the Commissioners address one issue at a time instead of trying to address all of them at the same time.

Throenle asked Soucy how he approached information while working with CUPPAD. Soucy responded that the primary method was word of mouth, followed by a post card sent to all the affected parties. Bohjanen added that residents do look at the posted agendas on the website, but it does not generate citizen input.

Gencheff asked about sending text messages; DeGroot suggested that staff would look at the methods to get the data out to the public. DeGroot also described the process of getting set up with FlashVote, including the negative response from the public when a text was received with the last vote that was sent out.

Throenle asked the Commissioners to consider the timeframe for the townhall meetings, especially since the time was short for those that would be leaving the Township for the winter. He suggested that the Township be divided into quadrants to gain public participation.

Bohjanen asked if a FlashVote question could be asked regarding attending a townhall meeting. DeGroot responded that the question had already been asked, and that participants generally stated that they would not attend.

Commissioners discussed the locations for the meetings. Locations discussed included the Township hall, Township public parks, Cherry Creek School, Lakenenland, and the casino.

Rhein suggested three meetings prior to the middle of October, at the Township hall.

DeGroot suggested that one meeting should be a later start time to accommodate those that have things to do at 4:30 through 6:00 PM. Commissioners decided that the meeting dates would be September 26 from 4:30 to 6:00 PM, October 10 from 7:00 to 8:30, and October 17 from 4:30 to 6:00 PM. The Commissioners decided that all meetings should be in the Township firehall with the ability for any resident to attend any session.

Maps were discussed as part of the presentation materials. Throenle asked Soucy to describe what the meetings should look like. Mullen-Campbell suggested that the meetings should be informal. Soucy added that an informational process should be available that directs the questions that the citizens might ask. Throenle suggested a pre-recorded presentation; Soucy suggested that it be one that could also be shared before the meeting.

Throenle asked what documents the Commissioners would like to be presented to the public as the "final draft." Gencheff suggested that a document that showed what was permitted and was conditional for the AG districts be put together. Gencheff asked if accessory dwelling units would be discussed; Rhein responded the focus should be only on the AF question.

DeGroot asked how fast documents could be produced on foam presentation boards to get the data for the public presentations. Gencheff responded she felt the boards could be finished in forty-eight hours.

Soucy asked the Commissioners to develop a list of suggested documents that would be used for the public presentations and that list would be discussed at the next meeting. Gencheff asked if information would be available to show citizens what zoning they are ready are in. Throenle stated the information could be available if the Commissioners wanted that.

Throenle changed the topic to accessory dwelling units and minimum square footage. He stated that the ordinance stated floor area and not footprint, and that a structure could be two floors at 400 square feet each that achieves the current 800 square feet requirement.

Gencheff asked about the 30 percent requirement for accessory dwelling units.

Throenle stated that was causing concern because of the size of the original structure. Gencheff asked that staff research how other communities addressed the issues, especially when considering owner-occupied and rentals.

**IX. Public Comment**

Richard Bohjanen, 140 Edgewood Drive

Suggested that a map be available for AF residents to put a pin on the map where they live to indicate the proposed zoning that they would be prefer. He suggested colored pins to represent the difference between AG 1, AG 2 and AG 3.

**X. Commissioner's Comments**

Rhein

Stated that there were great discussions, especially with the Board. He suggested that DeGroot's direction of one item at a time be followed.

Mullen-Campbell

Felt neighborhood canvassing was important.

Milton

Asked where the FlashVote information was on the website.

Gencheff

Expressed that she agreed with Rhein's comments.

Soucy

Thanked the Commissioners for a good job.

**XI. Director's Report**

Planning / Zoning Administrator Throenle

none

**XII. Informational Items and Correspondence**

**A.** Township newsletter – July 2023

**B.** Marquette County Planning Commission minutes 08.02.23 draft

**C.** City of Marquette Planning Commission minutes 06.20.23

**D.** City of Marquette Planning Commission minutes 07.18.23

**E.** Correspondence – Sanders

**F.** Correspondence – James

**G.** Correspondence – Mulcahey

**XIII. Adjournment**

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:43 PM.

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, September 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)  
Don Rhein (Board)  
Stephanie Gencheff  
Kendall Milton

Members absent at roll call:

Rebecca Sloan (Vice Secretary)

Staff present:

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

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

Soucy requested that a discussion of Planning Commission absences be added to the agenda.

*Milton moved, Rhein seconded, to approve the agenda as changed.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. August 21, 2023 joint meeting**

**B. August 21, 2023 regular meeting**

*Rhein moved, Gencheff seconded, to approve the minutes as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Nancy Richards, 495 County Road 480

Spoke on the desire to split her property of 17 acres with her two siblings but could not because of the twenty acre minimum of the AF zoning district.

**VI. Presentations**

None

## **VII. Unfinished Business**

None

## **VIII. New Business**

### **A. Discussion of Planning Commission Absences**

#### **Commissioner Discussion**

Soucy addressed Commissioner Sloan's absences from the last three meetings. He addressed this while referring to the Commissioner bylaws where three consecutive absences were cause for removal from the Commission. He added that Sloan was a valuable asset to the Commissioner team.

Soucy asked Throenle if there was additional information regarding Sloan's absences. Throenle stated that her family circumstances were dire, and that was the reason for the latest absence.

Meister added that he felt Sloan was a good contributor and wished to keep Sloan as part of the Commission; Mullen-Campbell and Rhein agreed.

The Commissioners decided to wait and see how Sloan's situation would go.

### **B. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions**

#### **Staff Introduction**

Throenle presented the materials that staff suggested be made available for the town hall meetings. He added that the materials would be set up in a display format at various tables throughout the room during the work session. He added that State lands would not be included on the agriculture zoning district map so that concentration on the maps would be the agriculture / forestry zoning district.

Throenle added that a map will be placed on one of the tables to allow the public to put a pin in the map to indicate their preference related to the proposed language. He stated that a public notice was put in the newspaper and that a post card would be mailed to the owners of agriculture properties as an invitation to the town hall meetings.

Throenle stated that a handout with frequently asked questions and the proposed uses for the three districts would also be available.

#### **Commissioner Discussion**

Meister asked Throenle if an electronic GIS map could be set up to record the choices of the public during the work sessions. Throenle stated he would investigate that as a possibility.

Gencheff stated that if more information was presented, the public may be overwhelmed. She added that the times for the proposed meetings did not match up to the decided times from the previous meeting, but she was satisfied with the times that were newly published; Throenle stated that he was responsible for that error. Rhein stated that the times would be better as newly published to allow the public

time to go home from work prior to the work session.

Throenle added that staff had started a presentation that would be available at the meeting. He stated that it could be a rolling presentation that would continue throughout the work session.

Meister asked about the format of the work session, and how formal it would be. Throenle stated that the work session was set up to allow the public to come to the session at any time, without a formal framework for the night. Throenle added that the work session was intended to gather information and not a session where the Commissioners would make a decision at the end of the night. Meister suggested that there be a formal presentation at the beginning and a continual roll of the presentation throughout the evening.

Gencheff stated that she preferred that the sessions be informal, to allow the public to come as they chose. Rhein added that the Commissioners could address the issues with the public and direct them to the rolling presentation.

Mullen-Campbell asked for name tags so that the public could identify the Commissioners and staff; Throenle stated that those could be provided.

Gencheff asked about PA 116 and how that would apply. She asked that it be added to the AG 2 district; Throenle stated that it was a State regulation and that it would be applicable to any property that qualified.

Gencheff about base zoning for the State lands. Throenle stated that discussion would occur at a future meeting so as not to confuse the public.

Gencheff asked about the map showing the AG 1, AG 2 and AG 3 districts. Throenle emphasized that the map was not a zoning map, but one that showed the size of the parcels within the agriculture zoning district.

Gencheff asked about the future land use map. Throenle stated that the future land use map and future growth maps were intended to show the public where projected impacts would be within the Township over the next five years. Throenle emphasized that the maps were to show how parcels exist as of today.

Soucy asked what a success rate should be on getting the public comment. Throenle stated that 634 cards will be mailed out, and 10 percent of that would be 63. He added that there would be no guarantee of how many people will attend each of the township hall meetings; he stated that additional ways to get input should be considered if there is a low turnout at the meetings.

Rhein stated that putting the meeting in the paper, mailing the cards, and posting the meeting on the Township sign should bring people in; Meister added that it would show that the Commissioners did what they had to do to get public input.

Gencheff asked what the next step would be going forward if there was little or no public participation to resolve the non-conformances and where the zoning districts would be. Throenle stated that staff would not be directing the Commissioners as to where the zoning districts should be, as the Commissioners would be making those decisions.

Gencheff asked for a zoning map that showed the parcels prior to 2008; Throenle stated he could provide that for the Commissioners.

Gencheff asked what the difference was between the mixed use district versus AG 1. Throenle stressed that they would only be agriculture related business; Meister stated that the parcels in that district would be primarily residential as most of the smaller parcels already have houses on it. Meister added that the Commissioner's job was to determine the best allowable uses in those districts, with a concern about how that would affect the Township in the future.

Soucy asked what the Commissioner roles would be during the work sessions. Throenle stated that the roles should be related to the message the Commissioners wanted the public to know about the process. He added that the target for resolution of the issue is February, and that the solution would be a modification of the current zoning ordinance. Rhein stated that the message to the public should be related to addressing the non-conformities and to get feedback on concerns related to their properties.

Gencheff asked what to do if other issues, such as accessory dwelling units, come up while in discussion with the public. Commissioners decided that if that occurred, that the answers should be in relation to the agriculture discussion.

Soucy asked what materials should be presented at each table. Milton suggested a uses handout on one of the tables. Discussions were related to those items, and Commissioners decided that the tables should be:

- 1) 1977 zoning map, 2008 zoning map, Township AF zoning district map, and Frequently Asked Questions handout
- 2) Future land use map, future growth sectors map, and AF acreage sizes today map
- 3) Proposed acreage sizes map, proposed district uses handout
- 4) Parcel pin map

Soucy asked for Commissioners to choose which table they wished to represent; Commissioners established a tentative table selection.

Commissioners discussed if an additional meeting should be held to determine if changes should be made to the meeting format. Commissioners decided not to hold an extra meeting.

Gencheff asked if the pin map would be cumulative. Throenle stated that it would be easier not to have the pins, but that cumulative would work as well.

Soucy asked Throenle what Throenle thought Throenle's role would be during the meetings. Throenle responded that he would be in the background as a resource.

Gencheff asked if the presentation would be looped; Throenle stated that it would, and that page numbers would be added to indicate where the viewer was in the presentation.

Soucy agreed to meet with staff to determine the presentation detail.

Gencheff asked if a box could be added to sign up for the Township newsletter. Commissioners agreed that it was a good idea. Rhein asked if the Board needed to approve the idea; Throenle stated that it would be a voluntary signup. Throenle stated that the signup would be an individual sheet to keep the email address confidential. Throenle added that addresses collected for FlashVote would not be used for the email list. Meister added that the newsletter would help develop a better sense of community.

### **Commissioner Decisions**

*Mullen-Campbell moved, Rhein seconded, to send out the notices for the townhall meetings on September 6, October 10 and October 17 of this year.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

*After Commissioner review Meister moved, Milton seconded, that the proposed presentation materials for the townhall meetings be approved as presented and suggested for amendment between the Chair and staff.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

Meister asked how larger crowds would attend; Throenle stated that staff would review that.

### **IX. Public Comment**

None

### **X. Commissioner's Comments**

Rhein

Great discussion; felt things are going in the right direction.

Mullen-Campbell

Felt that it was a good move to have the town hall sessions.

Milton

No comments.

Gencheff

Expressed that she was concerned about doing the right thing and doing what the people want.

Soucy

Thanked the Commissioners for a good job.

Meister

Agreed with Soucy, and expressed that he was looking forward to completing this portion of the puzzle.

**XI. Director's Report**

Planning / Zoning Administrator Throenle

No comments.

**XII. Informational Items and Correspondence**

**A.** Township newsletter – August, 2023

**B.** Marquette County Planning Commission minutes 08.02.23 draft

**C.** City of Marquette Planning Commission minutes 07.18.23

**D.** City of Marquette Planning Commission minutes 08.15.23

**XIII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 7:44 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Tuesday September 26, 2023 Minutes**

**Work Session**

**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

Members absent at roll call:

Kendall Milton

Staff present:

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

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

*Rhein moved, Mullen-Campbell seconded, to approve the agenda as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

None

**V. Presentations**

**A. Agriculture Zoning Townhall**

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

**VI. New Business**

**A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session**

**Commissioner Discussion**

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials for the next regular meeting.

**VII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 7:40 PM.

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION  
Tuesday October 10, 2023 Minutes  
Work Session**

**I. Meeting Call to Order**

Chair Ryan Soucy called the meeting to order at 7:01 PM.

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
Donna Mullen-Campbell (Secretary)  
Rebecca Sloan (Vice Secretary)  
Stephanie Gencheff

Members absent at roll call:

George Meister (Vice Chair)  
Don Rhein (Board)  
Kendall Milton

Staff present:

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

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

*Mullen-Campbell moved, Gencheff seconded, to approve the agenda as presented.*

*Vote: Ayes: 4 Nays: 0 Motion carried*

**IV. Minutes**

None

**V. Presentations**

**A. Agriculture Zoning Townhall**

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

**VI. New Business**

**A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session**

**Commissioner Discussion**

DeGroot addressed questions from those in attendance; the questions asked focused primarily on the reason for the proposed changes. DeGroot and Soucy stated that the primary purpose was to increase property rights, and to reduce the number of non-

conforming parcels within the Agriculture / Forestry (AF) zoning district.

Throenle stated that the maps in the room for the work session were not to be considered the proposed zoning map, as that will be developed in the future.

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials for the next regular meeting.

## **VII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 7:40 PM.

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION  
Tuesday October 17, 2023 Minutes  
Work Session**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

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

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

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

None

**IV. Minutes**

None

**V. Presentations**

**A. Agriculture Zoning Townhall**

Soucy gave a presentation outlining the purpose of the townhall meeting. The presentation was included in the agenda materials for the meeting.

**VI. New Business**

**A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Session**

**Commissioner Discussion**

Commissioners met and discussed the proposed ordinance language with the public. Stations were set up in the meeting room that presented maps related to the topic, and handouts were available for the public to take with them.

A station was set up for the public to sign up to receive email from the Township and to provide additional written comments.

Received comments will be added as correspondence as part of the agenda materials

for the next regular meeting scheduled for November.

**VII. Adjournment**

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

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

Soucy adjourned the meeting at 7:30 PM.

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, November 20, 2023 Minutes**

**I. Meeting Call to Order**

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

**II. Roll Call**

Members present at roll call:

Ryan Soucy (Chair)  
George Meister (Vice Chair)  
Donna Mullen-Campbell (Secretary)  
Rebecca Sloan (Vice Secretary)  
Don Rhein (Board)  
Stephanie Gencheff

Members absent at roll call:

Kendall Milton

Staff present:

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

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

Soucy requested that the minutes for the September 18 meeting be added to the agenda.

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

**IV. Minutes**

**A. September 18, 2023 regular meeting**

**B. September 26, 2023 townhall meeting**

**C. October 10, 2023 townhall meeting**

**D. October 17, 2023 townhall meeting**

*Rhein moved, Meister seconded, to approve the minutes as presented.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**V. Public Comment**

Nancy Richards, 495 County Road 480

Spoke on the desire to see the process for the agriculture district come to a close.

## **VI. Presentations**

None

## **VII. Unfinished Business**

### **A. Draft Ordinance Considerations for the Agriculture / Forestry (AF) District Work Sessions**

#### **Staff Introduction**

Throenle gave an overview of the townhall sessions and the detail that was presented at the sessions. He stated that the pin maps that were used for the self-selection at the meetings had been converted to GIS maps that were included in the packet. He added that there was an error in section VII.A.12 in the packet; about the middle of the page the text should read “3 to 15 acres” instead of “3 to 10 acres”.

#### **Commissioner Discussion**

Rhein stated that he felt the sessions went well, and that comments from the public were well received. Soucy stated that the public felt that they were being heard, and that the primary concern was to keep an agricultural flavor to all the districts. Sloan pointed out that the comments in the packet supported the concepts that some changes were desired, but that most with the larger acreages wanted to stay the same. Gencheff added that Soucy did a very good job of presenting a consistent message during his presentations at the meetings. Mullen-Campbell added that it might be good to have a townhall session again in the spring.

Commissioners addressed the maps that were presented that represented the self-selection. Meister felt that the self-selections pointed to a preservation of some areas but that others could be changed. He added that he felt the acreage sizes should be discussed to determine if they were the correct sizes.

Rhein suggested that the sizes be changed to accommodate the larger parcel sizes; he recommended that the sizes be changed to five acres for AG 1, 5 to 20 for AG 2 and 20 and over for AG 3. Commissioners suggested that maybe the three districts should be combined into two; Mullen-Campbell stated she felt that three districts were necessary to keep the distinctions in place for each district.

Sloan suggested looking at the maps to determine where the changes should occur. She stated that the area near the western end of County Road 480 be changed to AG 1 as many of those parcels were small in size; Meister agreed.

More discussion ensued regarding that area; the Commissioners agreed that area would be the best for the AG 1 designation.

Meister asked Throenle if it would be possible to draw zoning areas instead of rezoning individual parcels. He suggested that lines be drawn across parcels to accommodate a block effect. Throenle responded that if lines were drawn across parcels with different zoning, it would be difficult to determine where on the parcel one set of zoning uses would end, and where the other would begin. He stated if a parcel was zoned with one zoning designation, that the zoning areas may be jagged, but the

result would be only one zoning district per parcel as a result.

Throenle asked the Commissioners what the target date was for the completion of the agricultural zoning discussion. After discussion, Commissioners agreed that the target for the public hearing for the Planning Commission should be the February meeting. Meister stated that staff could bring back the maps showing the proposed districts at the December meeting, and that the maps could be modified at that time in preparation for the public hearing in February.

Commissioners discussed the other areas on the map, with discussion centered on the best choices for different areas in the Township. They decided that the parcels on the Sand River section located at the northeast corner of the Township should be in the AG 1 district. Changing discussion to the West Branch Road / Foster Creek section of the Township, they decided those parcels should be in the AG 2 district. Commissioners decided parcels identified in the center of the map north of Green Garden Road would be in the AG 3 district.

Commissioners discussed the parcels located on Mangum Road from Maple Road to the east and decided that the size of the parcels indicated the section should be in the AG 2 district. They then moved the discussion to the lower portions of Cherry Creek Road and the Karen Road area, and decided those parcels should also be in the AG 2 district.

Moving up Little Lake Road, Commissioners decided to put those parcels around Shimon Court into the AG 3 district. Above that, going to County Road 480, Commissioners decided that area should be designated as AG 2.

Commissioners discussed the parcels on the south side of M-28 East from Wanda Drive to the east. They decided that parcel sizes there showed the parcels should be in the AG 1 district.

Gencheff asked about changing the base zoning from the State Lands and asked how those parcels would be designated. Throenle suggested that the State Land rezoning question be addressed after the AF discussions were completed, so that the state land parcels could be designated into the previously decided zoning locations; Commissioners agreed with that suggestion.

Commissioners discussed the two parcels located between Townline Road and Old Kiln Road on the border of the Township; they directed Throenle to suggest where those parcels should be designated, as they seemed to be outlier parcels.

### **Commissioner Decision**

*After Commissioner review and discussion, Meister moved, Rhein seconded, that the next steps for the agriculture zoning district be as follows:*

- 1) *Staff should prepare a draft map for the December meeting.*
- 2) *Staff should designate on the map the areas discussed and group the agriculture districts according to discussion during the meeting.*

*Vote:       Ayes: 6   Nays: 0       Motion carried*

## VIII. New Business

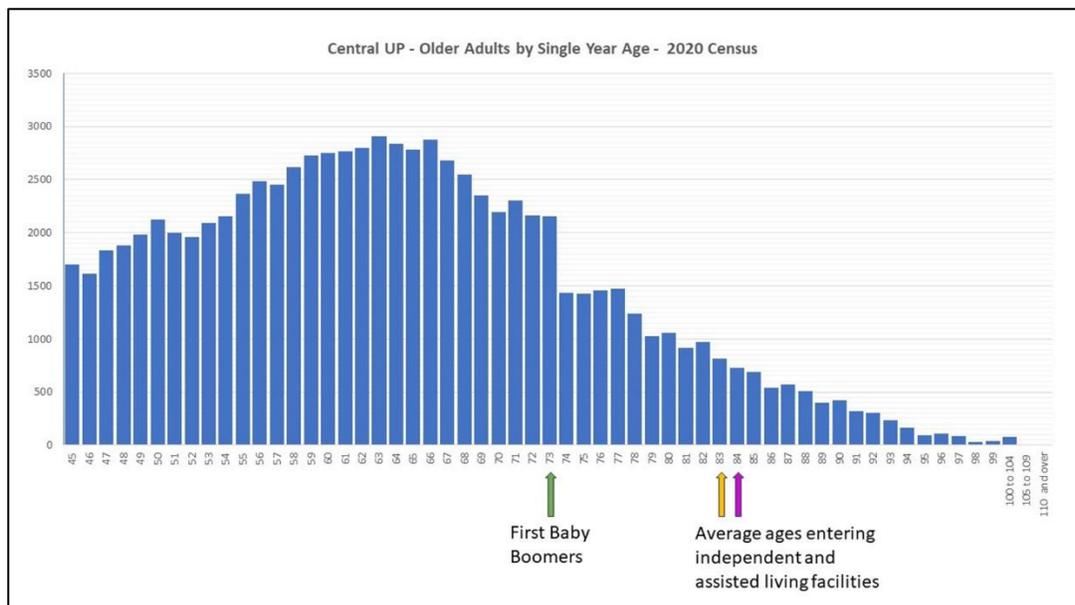
### B. Housing Discussion

Soucy stated that he had asked staff to put information in the packet regarding housing. He had acquired the information from a recent Michigan Association of Planning conference and wanted to begin the discussion of housing in the Township. He added that the primary concern from the conference was a lack of housing, especially for those that were aging, and he suggested the Commissioners begin looking at the accessory dwelling unit question.

Soucy asked Throenle for staff comments. Throenle stated that he had prepared some extracts from the census data throughout the County and had compared that data to the State of Michigan numbers. Throenle added that the numbers indicated a significant aging population in the County, with Forsyth Township showing the highest of all within the County. He further remarked that the documents in the packet showed a need for accessory dwelling units, and that a direction for most of the discussion was the ability to rent the unit after it was established. He added that considerations for accessory dwelling units in the Township should consider the cost of the units, the number of units per parcel, and how the well and septic issue would be resolved if two residences were on the same parcel.

### Commissioner Discussion

Using his laptop, Soucy showed a “Single Year by Sex” census table from the 2020 census to both the Commissioners and the public in attendance.



He described the age-related data and showed the critical timelines for accommodating accessory dwelling units within the Township to address aging in place issues.

Meister stated that he did not have an issue with accessory dwelling units; he wanted

them to be that the owner of the property had to be living on the property where the accessory dwelling unit would be located. Gencheff agreed, stating that California had a large issue with company-owned properties and the rental of the secondary units when primary owners were not on the properties.

Mullen-Campbell asked when a discussion on the accessory dwelling units would take place; Meister suggested that the conversations begin as soon as the agricultural districts discussion was completed; Soucy added that the conversations could start in March of 2024.

## **IX. Public Comment**

Michelle Weitek-Stephens, 550 Little Lake Road

Spoke about the accessory dwelling unit discussion, and asked the Commissioners to keep in mind the number of residents that leave for the winter. She spoke on agricultural uses and structures, and the need to keep space from neighbors because of those uses and structures. She also expressed concern about lot sizes for agricultural use.

Jill Bradford, 555 Little Lake Road

Spoke on making the right choices for each agricultural parcel. She also expressed concern to the Commissioners for wanting to change parcel sizes. She stated that what was presented at the townhall meetings should be what is followed as those are the acreage sizes that were presented to the public and what the public used for the self-selection maps.

## **X. Commissioner's Comments**

Rhein

Great discussion; was glad to see the mapping discussions that took place, and that the issue was coming to a close.

Mullen-Campbell

Stated that it was a good meeting of discussion.

Sloan

Felt that there was a lot of progress made during the meeting regarding the agriculture discussion.

Gencheff

Expressed that she was concerned about making sure the decisions were made to keep residents from losing use rights on their property.

Soucy

Thanked the Commissioners for a good job.

Meister

Expressed that he was looking forward to finishing the agricultural district discussion.

**XI. Director’s Report**

Planning / Zoning Administrator Throenle

He stated that there would be an agenda item in December to discuss the meeting dates for 2024. He added that the next meeting would be December 18, and wished the Commissioners a “Happy Thanksgiving”.

**XII. Informational Items and Correspondence**

- A. Township Board Minutes – 10.09.23
- B. Township newsletter – October 2023
- C. City of Marquette Planning Commission minutes 09.05.23
- D. City of Marquette Planning Commission minutes 10.03.23

**XIII. Adjournment**

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

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 8:04 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

**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:

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Planning Commission Secretary

Donna Mullen-Campbell